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Council Proceedings

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Bengal Legislative Council

Forty-fifth Session, 1935

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble Sir JOHN ANDERSON, P.C., G.C.B., G.C.I.E.

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3. Commerce and Industrial subjects.
4. Marine.
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Assistant Secretary to the Council—Mr. K. ALI AFZAL, Bar.-at-Law.

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2. Khan Bahadur MUHAMMAD ABDUL MOMIN.
3. Mr. NARENDRA KUMAR BASU.
4. Babu JITENDRALAL BANNERJEE.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

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Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]
Arthur, Mr. C. G. (Indian Tea Association.)

B

Baksh, Maulvi Shaikh Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Rai Sahib Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Banerji, Rai Bahadur Shailendra Nath. (Nominated Expert.)
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
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Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
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Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
*Benjamin, Mr. H. D. (Nominated Official.)
Birkmyre, Mr. H. (Bengal Chamber of Commerce.)
Blandy, Mr. E. N., C.I.E. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]

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*Oath taken on the 13th February, 1935.

C

Chanda, Mr. Apurva Kumar. (Nominated Official.)
Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)
Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]
Chokhany, Rai Bahadur Ram Dev. (Bengal Marwari Association.)
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)
Cooper, Mr. H. G. (Bengal Chamber of Commerce.)

D

Das, Babu Guruprosad. (Nominated Non-official.)
Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]
Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Ferguson, Mr. R. H. [Rajshahi (European).]

G

Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)
Gilchrist, Mr. R. N., C.I.E. (Nominated Official.)
Gladding, Mr. D., (Nominated Official.)
Goil, Major-General D. P. (Nominated Expert.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Guthrie, Mr. F. C. [Presidency and Burdwan (European.)]

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, the Hon'ble Khan Bahadur M. Azizul. [Minister.] [Nadia (Muhammadan).]
Hodge, Mr. J. D. V., C.I.E. (Nominated Official.)
Homan, Mr. F. T. (Bengal Chamber of Commerce.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Bahadur Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Abi Abdulla. [Bakarganj South (Muhammadan).]
Khan, Mr. Hashem Ali. [Bakarganj West (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]

L

Lamb, Mr. T. (Bengal Chamber of Commerce.)
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Leesoh, Mr. G. W. (Bengal Chamber of Commerce.)
Lockhart, Mr. A. R. E. [Presidency and Burdwan (European).]

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*Deputy President, Bengal Legislative Council.

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]
Martin, Mr. O. M. (Nominated Official.)
McCluskie, Mr. E. T. (Anglo-Indian.)
Mitter, Mr. S. C. (Nominated Official.)
Mitter, the Hon'ble Sir Brojendra Lal, K.C.S.I. (Member, Executive Council.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Momin, Khan Bahadur Muhammad Abdul. [Noakhali East (Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mukherji, Babu Dhirendra Nath. (Nominated Expert.)
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Reverend B. A. (Nominated Non-official.)
Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nandy, Maharaja Sris Chandra, of Kasimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. (Member, Executive Council.)
Norton, Mr. H. R. (Calcutta Trades Association.)

P

Paul, Sir Hari Sanker, KT. [Calcutta South (Non-Muhammadan).]
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]

Q

Quasem, Maulvi Abul. [Khulna (Muhammadan).]

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahaman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Khan Bahadur A. F. M. Abdur-. [24-Parganas Rural (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
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Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
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Ray Chowdhury, Mr. K. C. (Nominated Non-official.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-(Muhammadan).]
Redclift, Mr. S. W. (Nominated Expert.)
Reid, the Hon'ble Mr. R. N., C.S.I., C.I.E. (Member, Executive Council.)
Ross, Mr. J. B. (Indian Mining Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, the Hon'ble Sir Bijoy Prasad Singh. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sachse, Mr. F. A., C.I.E. (Nominated Expert.)
Sahana, Rai Bahadur Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]

*President of the Bengal Legislative Council.

Sen, Mr. B. R. (Nominated Official.)
Sen, Rai Bahadur Gris Chandra. (Expert, Nominated.)
Sen, Rai Bahadur Jogesh Chandra. [24-Parganas Municipal South (Non-Muhammadan).]
Sen Gupta. Dr. Naresh Chandra. [Mymensingh West (Non-(Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Steven, Mr. J. W. R. [Dacca and Chittagong (European).]
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Townend, Mr. H. P. V. (Nominated Official.)

W

Walker, Mr. J. R. (Indian Jute Mills Association.)
Walker, Mr. R. L. (Nominated Official.)
Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
*Williams, Mr. A. deC. (Nominated Official.)
Woodhead, the Hon'ble Sir John, K.C.S.I., C.I.E. (Member, Executive Council.)

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*Oath taken on the 14th February, 1935.

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Forty-fifth Session.)

(Volume XLV—No. 2.)

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 6th March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 89 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Prices of Government publications.

*41. **Maulvi ABUL QUASEM:** (a) Will the Hon'ble Member in charge of the Finance Department be pleased to state—

(i) what officer is charged with the duty of fixing prices of Government publications;

(ii) what principle is followed in fixing the prices; and

(iii) whether it is the policy of Government to fix the prices at low figures with a view to attaining a wide circulation?

(b) Why is the Bengal Wakf Act (Bengal Act XIII of 1934) consisting of 31 pages priced at three annas and the Bengal Waterways Act (Bengal Act XII of 1934) consisting of 49 pages priced at two annas?

(*c*) Why is the Practice and Procedure Manual, 1934 (Board of Revenue), priced at one rupee and the Bengal Certificate Manual, 1933, at seven annas?

(*d*) Is the Hon'ble Member aware that both the Manuals referred to in (*c*) are almost of the same volume and bound in cardboard cover?

(*e*) Why is the Ascoli's Revenue History of the Sundarbans from 1870 to 1920 priced at Rs. 5 and Pargiter's Revenue History of the same from 1765 to 1870 at Rs. 1-12?

(*f*) Is the Hon'ble Member aware that Pargiter's History is a much bigger book than Ascoli's?

(*g*) Is the Hon'ble Member considering the desirability of taking immediate steps to remove the anomalies instanced and to prevent recurrence of the same?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) The Superintendent of the Bengal Government Press with the approval of the Administrative Department concerned.

(*ii*) and (*iii*) The general principle is that prices are fixed according to the cost of production. The rules, however, permit of lower prices when it is considered desirable to secure a wider circulation than would otherwise be attained.

(*b*) The price of the Bengal Wakf Act (Bengal Act XIII of 1934) has been reduced to one anna for future sales.

(*c*) and (*d*) Composition charges were smaller in the case of the Certificate Manual than in the case of the Practice and Procedure Manual and more copies were printed. So the price was smaller according to the costing system.

(*e*) For the same reasons as in (*c*) and (*d*), and because Ascoli's History was a first issue, whereas Pargiter's History was a reprint.

(*f*) Yes, in size only, but not in matter.

(*g*) Does not arise.

Maulvi ABUL QUASEM: With reference to answer (*e*), will the Hon'ble Member be pleased to state why the first issue costs more than a mere reprint when only the cost of printing is to be taken into account?

The Hon'ble Sir JOHN WOODHEAD: It is a technical matter, but I believe it is partly because it is easier to read printed matter than matter in manuscript.

Establishment of the Bengal Government Press.

*42. **Maulvi LATAFAT HUSSAIN:** With reference to the reply to starred question No. 175 put by Maulvi Abdus Samad on the 24th March, 1934, that the establishment of the Bengal Government Press was smaller with the purchase of modern machines between the period from 1921 to 1929 at Rs. 8,08,955-9, will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing the expenditure in the Press under the head "Establishment", year by year, for the years 1922-23 to 1929-30?

The Hon'ble Sir JOHN WOODHEAD: A statement is laid on the table.

Statement referred to in the reply to starred question No. 42.

Expenditure on "Pay of Establishment" (including mechanical branch and type foundry) in the Bengal Government Press, during the years 1922-23 to 1934-35.

1922-23—Rs. 5,32,541.
1923-24—Rs. 5,39,521.
1924-25—Rs. 4,67,363.
1925-26—Rs. 4,53,163.
1926-27—Rs. 4,87,662.
1927-28—Rs. 4,98,519.
1928-29—Rs. 5,23,758.
1929-30—Rs. 5,68,393.
1930-31—Rs. 5,67,783.
1931-32—Rs. 5,50,438.
1932-33—Rs. 5,16,431
1933-34—Rs. 5,45,072.
1934-35—Rs. 5,58,500 (Revised estimate).

Estates in Dinajpur district under the Court of Wards.

*43. **Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the names of the estates that have been taken under management by the Court of Wards in the district of Dinajpur within the last 5 years;

(*ii*) how many appointments have been made in the management of these estates this year; and

(*iii*) how many of such appointments have been given to—

(*1*) Muslims,

(*2*) Hindus?

(*b*) Were the appointments referred to in (*a*) (*ii*) advertised?

(*c*) If the answer to (*b*) is in the affirmative, how and in what manner were the advertisements made?

(*d*) How many candidates applied for the different posts and how many of them were indigenous inhabitants of the Dinajpur district?

(*e*) How many of the candidates, natives of the district, have been appointed and to what posts?

(*f*) Is it a fact that there were experienced candidates but they were not taken in?

(*g*) If the answer to (*f*) is in the affirmative, on what grounds were their cases rejected?

(*h*) How many of the appointed hands have previous experience in the Court of Wards estates works?

(*i*) How many of the appointed hands are new?

(*j*) Is it a fact that the majority of the important posts were given to the relatives of the executive and other gazetted and non-gazetted officers of Government who are not natives of the district?

(*k*) Are the following appointed gentlemen related as follows to the gentlemen named against them:—

(1) Babu Promatha Nath Guha, General Manager, Haripur Ward estates.	(1) Brother of Mr. Lalit Chandra Guha, ex-Collector, Dinajpur.
(2) One Circle Officer, Deb Burma estate, Dinajpur.	(2) Son of Civil Surgeon, Dinajpur.
(3) One Circle Officer, Deb Burma estate, Dinajpur.	(3) Nephew of Rai S. C. Sinha Bahadur, ex-Collector, Dinajpur.
(4) Mondol, Deb Burma estate, Dinajpur.	(4) Son of Accountant, Dinajpur Collectorate.
(5) Asit Kumar Mukherji, Circle Officer, Deb Burma estate, Dinajpur.	(5) Uncle of Mr. P. N. Mukherjee, ex-Subdivisional Officer, Thakurgaon.

(*l*) Had the appointed gentlemen mentioned in (*k*) any experience in the Wards' estate works?

(*m*) What is the principle generally followed in making such appointments, when a zamindari is taken over for management by the Court of Wards?

(*n*) Is it a fact that at first the scheme of management is sanctioned by the Board of Revenue and then appointment of officers are made?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (a) (i)—

(i) The Mallick estate No. I.

(ii) The Mallick estate No. II.

(iii) The Haripur Barataraf estate.

(iv) The Deb Barma estate.

(ii) 75.

(iii)—

(1) Muslims—6.

(2) Hindus—69.

(b) No.

(c) Does not arise.

(d) Exact information is not available. But the number of candidates was large.

(e) A statement is laid on the table.

(f) The most suitable men were appointed after due consideration of the applications.

(g) Does not arise.

(h) 3.

(i) Except three with Court of Wards experience, the rest are new, but many of them have had experience of zamindari work.

(j) Three of the important posts were given to relatives of gazetted and non-gazetted officers.

(k)—

(1) Yes.

(2) Yes.

(3) Not known.

(4) The son of the Accountant of the Collectorate, Dinajpur, was appointed muharrir in Haripur Wards' estate.

(5) Yes.

(l) No; but some of them have had experience in zamindari work.

(m) The principle generally followed is to retain some of the suitable employees of the pre-court period and then to appoint new men with Court of Wards or zamindari experience, as far as possible.

(n) No. Provisional appointments are made subject to the approval of the scheme by the Board.

Statement referred to in answer to starred question No. 43 (e).

1. Maulvi Mahatabuddin Ahmed, 3rd Muharrir, Deb Barma Wards' estate.
2. Babu Probhat Ch. Biswas, Accountant, Deb Barma Wards' estate.
3. Babu Abani Kanta Roy, Muharrir, Deb Barma Wards' estate.
4. Basiruddin Ahmed, Cashier, Maldwar Wards' estate.
5. Babu Suresh Ch. Sen Gupta, Estate Pleader, Deb Barma Wards' estate.
6. Babu Kamala Kanta Roy, Estate Pleader, Deb Barma Wards' estate.

Omnibus proprietors.

*44. **Mr. S. M. BOSE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay a statement on the table showing—

(*i*) the present total number of registered proprietors of omnibuses in Calcutta and its neighbourhood; and

(*ii*) the number of Bengalis among them?

(*b*) Is it a fact that non-Bengali proprietors are given preference in the matter of routes and changes thereof?

(*c*) Are the purchasers on hire-purchase from the registered proprietors registered as proprietors?

(*d*) Are the Government considering the desirability of following policy of preference to the Bengali proprietors, *ceteris paribus*?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*) 234 in Calcutta and suburbs including the municipality of Howrah.

(*ii*) 98.

(*b*) No.

(*c*) The purchaser of a motor vehicle on hire-purchase terms is registered as the owner in the Motor Vehicles Department, a note being at the same time made that the vehicle is held on hire-purchase terms.

(*d*) Preference is not given to proprietors on account of their origin.

Mr. S. M. BOSE: With reference to answer (*d*), does not the Government think it desirable that some Bengalis, as opposed to non-Bengalis, should be given a preference?

The Hon'ble Mr. R. N. REID: I do not understand in what connection the hon'ble member wishes preference to be given and in what manner?

Mr. S. M. BOSE: This is with reference to the answer to question (*d*), namely, "Preference is not given to proprietors on account of their origin."

The Hon'ble Mr. R. N. REID: I think the principle adopted is that all bus proprietors or runners of buses should be treated on equal terms as owners of buses, whether they are Hindus or Muhammadans or anything else.

Mr. NARENDRA KUMAR BASU: Is it a fact that in some other provinces, licenses for driving buses are not given to non-nationals of the province, specially in Bombay?

The Hon'ble Mr. R. N. REID: I have no knowledge of the conditions in all other provinces.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to enquire if this system obtains anywhere else in India, and if he is satisfied that it does, whether the Hon'ble Member will be pleased to consider the question so far as Bengal is concerned?

The Hon'ble Mr. R. N. REID: That, Sir, is a request for action.

Compositors and distributors of the Bengal Government Press.

*45. **Maulvi LATAFAT HUSSAIN:** With reference to the replies to clause (*b*) (*ii*) of starred question No. 109 and to clause (*a*) (*iv*) of starred question No. 114 put by Mr. K. C. Ray Chowdhury on the 12th March, 1934, and on the 14th March, 1934, respectively, will the Hon'ble Member in charge of the Finance Department be pleased to state whether the Government have taken into their consideration the fact—

(*i*) that some time is lost by adopting these methods of work by the compositors and distributors;

(*ii*) that most of them being employed on no work, they get no pay; and

(*iii*) that their income and pensions are affected thereby?

The Hon'ble Sir JOHN WOODHEAD: (*i*) No time is lost.

(*ii*) and (*iii*) While respectively "imposing" and "supplying," the compositors and distributors are paid at hour rates instead of piece rates, but the hour rates are so calculated that they lose nothing thereby.

Piece-workers of the Bengal Government Press.

*46. **Maulvi LATAFAT HUSSAIN:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware—

(*i*) that the piece-workers of the Bengal Government Press are paid on the basis of "no work, no pay;"

(*ii*) that in case of early closing of the office, the piece-workers of the said Press do not get any payment for the period of early closing;

(*iii*) that the salaried hands do not lose anything for such early closing;

(*iv*) that the office is closed early, whenever occasion arises, to enable the employees to take part in the Sports Club affairs?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking steps to prevent the loss for the piece-workers?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*) Yes.

(*ii*), (*iii*) and (*iv*) The office is closed early only on the Saturday on which the Annual Sports are held. Even on that day, however, the piece-workers are allowed to work till the ordinary closing time if they so choose.

(*b*) Does not arise.

Copying fees in civil courts.

*47. **Maulvi SYED MAJID BAKSH:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether the raising of the fees of copyists and typists from two annas to three annas has been under contemplation for a long time;

(*ii*) whether the copying fees were raised from three annas to four annas on that account;

(*iii*) for how long is the question of raising the fees of copyists under contemplation; and

(iv) when do the Government expect to arrive at a decision?

(b) If the Government do not intend to raise the fees of the copyists in the near future, are the Government considering the desirability of reducing the copying fees to three annas again?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (a) (i) and (ii) No.

(iii) and (iv) Do not arise.

(b) No.

Maulvi ABUL QUASEM: With reference to answer (a) (i) and (ii), will the Hon'ble Member be pleased to state if he is aware that in reply to a question put during the last December session of this Council, the Hon'ble Finance Member was pleased to tell the House that the question of raising the fees of copyists as distinguished from typists was definitely under consideration of the Government, and is not that———

Mr. PRESIDENT: Maulvi Saheb, it is not permissive to argue or make a speech but you should simply put your question. It should be as simple and definite as possible.

Maulvi ABUL QUASEM: I hope you will pardon me, Sir, if I say that if the question is made complicated by the Government, I have got to put that question in spite of its complications. However, be that as it may, my question is:—

Is the Hon'ble Member aware that during the last December session of the Council, in reply to a question put by Maulvi Syed Majid Baksh, the Hon'ble Finance Member was pleased to state that the question of raising the fees of copyists, as distinguished from the typists, was definitely under consideration of Government?

The Hon'ble Sir BROJENDRA LAL MITTER: I dare say that I ought to have been aware of it if such an answer was given in December last, but personally I have no recollection of that. But the answers that I have given to-day are from information which was given to me from the department concerned.

Maulvi ABUL QUASEM: How is it, then, Sir, that the answer that was given by the Hon'ble Sir John Woodhead is in direct conflict with the answer now given by the Hon'ble Member?

The Hon'ble Sir BROJENDRA LAL MITTER: I understand that the question then was whether the matter had been under consideration

for a long time, and the answer was, no. That is to say, it had not been under consideration for a long time, and the answers that I have given to-day are in no way inconsistent to that answer.

Maulvi ABUL QUASEM: Has the question at all been under the consideration of the Government?

The Hon'ble Sir BROJENDRA LAL MITTER: When a change was made, the matter must have been under the consideration of Government.

Maulvi ABUL QUASEM: Is the Government going to consider the question of raising the fees of copyists from two annas as at present to three annas?

The Hon'ble Sir BROJENDRA LAL MITTER: A number of questions on this subject was put a few days ago, and then I answered that in the existing financial conditions, any raising of fees was out of the question.

Pay of transferred ministerial officers in courts.

*48. **Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that a circular letter has been addressed by the Accountant-General, Bengal, to the Registrar, High Court, Calcutta, indicating that the ministerial officers who are transferred under the new arrangement from one district to another will be treated as new entrants?

(*b*) Is it a fact that in that case persons drawing a higher pay on transfer to a post in another district carrying lower pay will have to draw the lower pay under the revised scale of pay?

(*c*) Is it not a fact that under fundamental rule 15, Chapter III, page 17, the pay of a ministerial officer shall not be reduced except for inefficiency and misbehaviour?

(*d*) If the answer to (*c*) is in the affirmative, what are the reasons for reducing the pay of these transferred officers in contravention to the fundamental rules?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Yes.

(*b*) Government are issuing orders to avoid this.

(*c*) Yes.

(*d*) Does not arise.

Contai National School and College.

*49. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state the number of boys convicted respectively of the Contai National School and Contai College in connection with terrorist activities?

(*b*) Is it a fact that the Contai National School is still under police possession and its teachers are all externed?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government desire to give up possession or in the alternative to provide allowance for externees deprived of their employment and income?

(*d*) How long do the Government propose to continue the military rule in the Midnapore district, specially in the Contai and Tamluk subdivisions?

(*e*) Is the Hon'ble Member aware that the said two subdivisions are well-known for non-violent movement?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) The information is not available, nor would it be practicable to collect it.

(*b*) It is still in police possession. Not all its teachers were externed.

(*c*) The reply to both parts of the question is in the negative.

(*d*) There has not been, and is not, any military rule in the district.

(*e*) No.

Mr. P. BANERJI: With reference to answer (*b*), how many teachers were externed?

The Hon'ble Mr. R. N. REID: Four, Sir.

Mr. P. BANERJI: Is it not a fact, Sir, that none of the students of the Contai National School was ever convicted for terrorist activities?

The Hon'ble Mr. R. N. REID: No, Sir.

Mr. SHANTI SHEKHARESWAR RAY: How long is it the intention of Government to keep it in Police possession.

The Hon'ble Mr. R. N. REID: I am unable to answer that question, Sir.

Representation of the Marwari Association on the Calcutta Port Trust.

*50. **Seth HUNUMAN PROSAD PODDAR:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware—

(*i*) that the Marwari community represents important commercial interests in Bengal;

(*ii*) that the Marwari Association represents their interests; and

(*iii*) that these facts have been recognised both by the Central and the Provincial Governments?

(*b*) If the answer to (*a*) is in the affirmative, what are the reasons for which the Marwari Association has not been allowed representation in the Calcutta Port Trust and the newly created Traffic Advisory Board?

(*c*) Is it a fact that the Bengal National Chamber of Commerce and the newly formed Muslim Chamber of Commerce are recognised for the purpose of nomination in the Calcutta Port Trust?

(*d*) Will the Hon'ble Member be pleased to lay on the table a statement showing the full facts about the allocation of seats to the Muslim Chamber of Commerce in the Calcutta Port Trust?

(*e*) Will the Hon'ble Member be pleased to state the relative importance in regard to the capital represented by the Bengal National Chamber of Commerce, Muslim Chamber and the Marwari Association?

(*f*) Are the Government considering the advisability of giving equitable representation to the Marwari interests in the Calcutta Port Trust and the Calcutta Traffic Advisory Board?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*), (*ii*) and (*iii*) Yes.

(*b*) and (*f*)—

(*i*) *Calcutta Port Trust.*

The reasons for which it has been decided that separate representation of the Marwari Association cannot be accorded at present on the Calcutta Port Trust were explained in Marine Department letter No. 184-T/Mne. of the 23rd May, 1934, to the Honorary Secretary, Marwari Association.

(*ii*) *Traffic Advisory Committee.*

It is considered that the interests of Indian Commercial bodies are adequately represented on the Traffic Advisory Committee by the representatives of the Indian Chamber of Commerce and the Bengal

National Chamber of Commerce, and it is not proposed to accord separate representation on this Committee to the Marwari Association.

(c) Yes.

(d) If the Hon'ble Member will state the facts in regard to which he desires information I shall endeavour to supply it.

(e) Data are not available for any such comparison.

Union Boards.

*51. **Babu KISHORI MOHAN CHAUDHURI:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(i) the educational and property qualifications of existing presidents, union boards, in each district of East and North Bengal; and

(ii) a complete list of the existing union boards of East and North Bengal with or without powers of union courts or benches in the years 1934-35?

(b) Will the Hon'ble Minister be pleased to lay on the table another statement showing—

(i) the number of civil or criminal appeals against union board decisions;

(ii) how many of such decisions were reversed or modified; and

(iii) how many were rejected?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) (i) and (b) The information cannot be obtained unless special enquiries are made from District Officers involving, in the opinion of Government, a disproportionate expenditure of time and energy for which they are not prepared to ask.

(ii) A statement is laid on the Library table.

Periodical melas and sale of cattle therein.

*52. **Maulvi HASSAN ALI:** (a) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing the number, the names and localities of the various periodical melas (fairs) in Bengal?

(b) Is the Hon'ble Member aware of a practice in force that a sum is realised by the proprietors of these melas from the customers or vendors of cattle in these melas?

(c) If the answer to (b) is in the affirmative, are the Government in possession of the rates of such realisation?

(d) If so, will the Hon'ble Member be pleased to lay on the table a statement showing how much is taken by the different proprietors of these different melas on account of acquittance receipts from the purchasers and sellers, per head of cattle, *e.g.*, cow, bullock, buffalo, goat, camel and other animals?

The Hon'ble Mr. R. N. REID: (a) (b) (c) and (d) The information required is not available and could not be obtained without a laborious enquiry which Government regret they are not prepared to undertake.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Accommodation in Government quarters at Darjeeling for Muhammadan assistants and typists.

18. Maulvi ABDUL GHANI CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state whether it is a fact that—

(i) many of the Muhammadan assistants and typists of the Bengal Secretariat and other offices, who are to go up to Darjeeling with the Government, are to stay out for want of accommodation in Government quarters; and

(ii) Muhammadan assistants and typists made a representation in 1933 for increasing their accommodation in Government quarters at Darjeeling?

(b) Is the Hon'ble Minister aware that the house allowances granted by Government in lieu of accommodation in Government quarters are insufficient for the rent of suitable accommodation at Darjeeling?

(c) If the answers to (a) and (b) are in the affirmative, will the Hon'ble Minister be pleased to state whether Government are considering the desirability of providing sufficient number of seats in Government quarters for Muhammadan assistants and typists?

(d) Is the Hon'ble Minister aware that many of the rooms and seats in other Government quarters allotted for non-Muhammadan assistants

and typists are left vacant even after making requisite allotment of seats in each trip?

(*e*) If the answer to (*d*) is in the affirmative, are the Government considering the desirability of redistributing the Government quarters so as to ensure that all assistants and typists whether Muhammadan or non-Muhammadan get seats in Government quarters?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur): (*a*) (*i*) It has not proved possible to find accommodation in Government quarters for all Muhammadan assistants and typists sent to Darjeeling.

(*ii*) Yes.

(*b*) No.

(*c*) Yes.

(*d*) A few places have remained vacant in quarters for non-Muhammadan assistants after allotment.

(*e*) Yes.

Takavi loans.

29. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the years from 1920-34—

(*i*) the total amount of "Takavi" loans distributed in Bengal; and

(*ii*) how has the amount been distributed among the different communities of Bengal?

(*b*) Is the Hon'ble Member satisfied from the reports in his possession that the policy of advancing "Takavi" loans to the agriculturists has been generally successful?

(*c*) If the policy had been a failure, will the Hon'ble Member be pleased to state the reasons for the failure?

(*d*) Do the Government realise that unless adequate provision is made for long-term credit facilities to the agriculturists, all legislation as to debt conciliation and prevention of usurious loans is bound to prove a dead letter?

(*e*) Will the Hon'ble Member be pleased to state the total number of credit institutions apart from the co-operative credit societies which Government have themselves so far started or encouraged to start so as to provide long-term credit facilities to the agriculturists?

(*f*) Has the Hon'ble Member received reports to show that such credit institutions are sufficient for the rural needs at present?

(*g*) If the credit institutions are not adequate to the needs of rural areas, will the Hon'ble Member be pleased to lay on the table a statement showing the Government scheme in this matter?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) A statement is laid on the table.

(*ii*) This information cannot be supplied without a laborious enquiry which Government regret they are not prepared to undertake.

(*b*) Yes.

(*c*) Does not arise.

(*d*) Government are alive to the importance of providing facilities for agriculturists to secure long-term credit.

(*e*), (*f*) and (*g*) Government have as an experiment started five Land Mortgage Banks, one in each division, for this purpose. They do not imagine that five such banks will suffice to meet the needs of the whole province; and they hope, if the banks now established work successfully and prove of real benefit to the rural population, to establish or encourage the establishment of similar banks in increasing numbers throughout the province.

Statement showing distribution of "Takavi" (land improvement and agricultural) loans from 1920-21 to 1933-34, referred to in the reply to unstarred question No. 20 (a) (i).

Year.		Land improvement loans.	Agricultural loans.
		Rs.	Rs.
1920-21	..	38,425	1,14,433
1921-22	..	30,150	1,25,842
1922-23	..	29,950	8,52,644
1923-24	..	27,100	1,55,935
1924-25	..	8,550	1,41,971
1925-26	..	16,850	37,429
1926-27	..	11,300	3,92,420
1927-28	..	78,521	3,40,697
1928-29	..	92,514	14,44,206
1929-30	..	28,190	5,72,099
1930-31	..	11,100	8,75,943
1931-32	..	6,800	12,89,085
1932-33	..	1,500	3,20,821
1933-34	..	3,250	3,68,889
Total	..	3,84,200	70,32,414
Grand Total	..	74,16,614	

Khas Mahal officer of Pabna.

21. **Dr. JOGENDRA CHANDRA CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that Babu Ashutosh Chaudhuri, a Sub-Deputy Collector, is employed as the Khas Mahal officer of Pabna?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) when was he first posted to Pabna;

(*ii*) how long has he been employed in the district of Pabna; and

(*iii*) in what official capacities and for how long in each such capacity has he been employed in the district of Pabna?

(*c*) Is there any rule fixing the normal tenure governing the transfer of an officer in a district?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state whether the rule has been infringed in this particular case? If so, why?

(*e*) Will the Hon'ble Member be pleased to state whether any other Deputy Collector or Sub-Deputy Collector has been employed for such a long period in any other district in the Presidency?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state the names of such officers and the districts to which they are posted and special reasons for posting each of them at a place for such a long time?

(*g*) Are the Government considering the desirability of transferring Babu Ashutosh Chaudhuri from Pabna to some other district? If not, why not?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Yes.

(*b*) (*i*) 2nd September, 1927.

(*ii*) About 7½ years.

(*iii*) Cess Revaluation Officer—from 2nd September, 1927, to 31st March, 1930. General work—from April, 1930, to November, 1933. Khas Mahal officer—from 1st December, 1933 (also partition, maintenance and civil suit, etc.).

(*c*) There is no rule: five years is regarded as the normal period for an officer of the Bengal Junior Civil Service to remain in the same division, but it is liable to be shortened or prolonged according to circumstances.

(*d*) Does not arise.

(*e*) Yes; there is a number of such cases.

(*f*) A statement is laid on the table.

(*g*) No. The posting of a Sub-Deputy Collector, when allotted to a division, rests with the Commissioner, and Government are not considering his transfer from the Rajshahi Division.

Statement referred to in the reply to unstarred question 21 (f)

Serial No.	Name.	Station and date of joining.	Posts held.
		Deputy Collector.	
1	Rai Mallinath Roy Bahadur.	Calcutta, 8-4-1914 ..	Employed under the Calcutta Improvement Trust.
		Sub-Deputy Collectors.	
1	Maulvi Muhammad Ishaq, No. I.	Mymensingh, 16-2-1927	Special Partition Officer.
2	Babu Lal Mohan Basu	24-Parganas, 2-6-1927 ..	Second Assistant to the Officer in charge of the Bengal Traverse Party and Drawing office.
3	Babu Prabhat Chandra Banarji.	Bakarganj Settlement, 1-11-1924.	Assistant Settlement Officer. Will remain in the Settlement till he retires.
4	Babu Ashutosh Chaudhuri.	Pabna, 2-9-1927 ..	Revaluation Officer. Also in charge of Maintenance and other work.

Ishurdi-Pabna Road.

22. Dr. JOGENDRA CHANDRA CHAUDHURI: (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to lay on the table a statement showing—

(*i*) the progress made up to date regarding the construction of Ishurdi-Pabna Road;

(*ii*) the amounts spent on this road so far;

(*iii*) the approximate date when its construction is likely to be completed;

(*iv*) the Public Works Department staff employed for the construction of this road;

(*v*) the work entrusted to each of them; and

(*vi*) the monthly expenditure incurred on their salaries and travelling allowances respectively?

(b) Is it a fact that this road has not been aligned by any technical man or the Public Works Department according to its plan, estimates and sections as sanctioned by the department and that there are no bench marks on it?

(c) Is it a fact that a tender was called for Kelu burnt bricks only and not for clamp burnt bricks and that there were stipulations in the tender that no dust or debris would be in the stack and 1½ inch gauge metal would have to be supplied?

(d) Is it a fact that some contractors have supplied clamp burnt, rain-spotted and second class bricks at Rs. 16-8 per thousand, but the tender was for first class bricks only and there were 10 to 15 per cent. chips and dusts in the stack and they have been measured and accepted by the department and bills for the same have been passed by the Executive Engineer, Rajshahi Division, and paid accordingly?

(e) Is it a fact that both bricks and jhama khowa are being supplied for this road at the same rate, *i.e.*, Rs. 17 per thousand?

(f) Is the Hon'ble Minister aware that first class bricks are available at Pabna at Rs. 12 per thousand?

(g) Is it a fact that only 30 feet crest to crest is being provided in place of 32 feet as provided in the estimates for this road, and that there will be 12 feet width metalling instead of 16 feet and ½ inch thick painting instead of grouting?

(h) Do the Government realise that it will be difficult for two carts to pass side by side on the metalled portions of this road made 12 feet wide?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: (a) A statement is laid on the table.

(b) No.

(c) As far as bricks are concerned, the answer is in the negative. The stipulation as regards stone metal was as stated.

(d) to (f) No.

(g) The estimate did not provide for 16 feet metalling or for grouting.

(h) There is ample side width.

Statement referred to in the reply to unstarred question No. 22 (a).

(i) The widening of the road has been completed except for the Radhanagar diversion. Collection of materials for the pucca portion of road is in progress. Ten bridges and culverts have been completed, 12 are in progress.

(ii) Rupees 1,60,854.

(iii) The close of the financial year 1937-38.

(*iv*) Two work-overseers, 3 work-sarkars, 4 work-peons. The Executive Engineer and Subdivisional Officer also give part of their time to the road.

(*v*) The work-overseers and sarkars supervise the work and help the Subdivisional Officer. The work-peons do the work of ordinary peons.

(*vi*) Salaries, Rs. 355-12. Travelling allowance, nil.

Superintendent, Campbell Medical Hospital.

23. Khan Bahadur MUHAMMAD ABDUL MOMIN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the Superintendent of the Campbell Medical School has passed orders reducing the scales of diet and medicine of the patients?

(*b*) Have any complaints been received by the Hon'ble Minister about the treatment and behaviour of the Superintendent towards the boys, patients and staff?

(*c*) If the answer to (*b*) is in the affirmative, has any action been taken by him?

(*d*) How often has the Surgeon-General inspected the work of the Superintendent and the conditions in the Campbell Hospital since the latter took over charge?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) and (*c*) Only one complaint was received by the Hon'ble Minister, but no action was taken on it as it was an anonymous one.

(*d*) On five occasions.

Campbell Hospital.

24. Khan Bahadur MUHAMMAD ABDUL MOMIN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that there are 19 beds in the Campbell Hospital under the direct charge of the Superintendent?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state how many of these were occupied each month during the last year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) Under rule 5 of the Rules for the Management of the Campbell Hospital the Superintendent has direct charge of the European paying small-pox wards. The number of beds occupied in the above wards naturally

varies according to the prevalence of the disease in any particular year. In 1934 the admissions were fortunately very few. A statement giving the figures of admission month by month during 1934 in this ward is laid on the table.

In addition to being in charge of the European paying small-pox wards the Superintendent takes a share in the operation and clinical work of the hospital and for this purpose takes charge of beds from time to time in the different wards. It is not the practice, however, to keep any record of the beds taken charge of by him from time to time in the other wards during any particular year.

Statement giving figures of admission of small-pox cases in the European paying wards in the Campbell Hospital, Calcutta, during the year 1934, referred to in the reply to unstarred question No. 24.

January—Nil.

February—1 bed occupied.

March—1 bed occupied.

April—1 bed occupied.

May—1 bed occupied.

June—1 bed occupied.

July to December—Nil.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Minister be pleased to state the number of beds reserved for Indian patients suffering from small-pox?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice, Sir, but I believe there is no reservation. Only for the minority communities, reservation is possible.

Babu HEM CHANDRA ROY CHOUDHURI: In view of the fact that not more than one bed was occupied in any month in 1934, will the Hon'ble Minister kindly consider the question of transferring some of the beds reserved for paying European patients suffering from small-pox to Indian patients?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I cannot answer that question without notice.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister please consider the question of reserving beds for the minority community of the Bengalee Hindus?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Bengalee Hindus are not a minority community.

Mr. NARENDRA KUMAR BASU: Does the Hon'ble Minister consider that the Bengalee Hindus are not a minority community in Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not in Calcutta.

Subdivisional Magistrate of Rampurhat.

25. Maulvi ABUL KASEM: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) whether it is a fact that the Subdivisional Magistrate of Rampurhat went into the mosque at Nalhati, a village in that subdivision, with his shoes on and refused to take them off when requested to do so;

(*ii*) whether it is a fact that the said Subdivisional Magistrate went into the female quarters of some Muhammadans at Nalhati in spite of the protest by the householders; and

(*iii*) whether it is a fact that the said officer asked the inmates of the house to open their *handies* and *deychies* to see if any beef was cooked?

(*b*) Is it a fact that the said Subdivisional Magistrate has issued warrant against certain Muhammadans of the Nalhati thana and demanded a bail of Rs. 10,000 from almost all of them for an alleged offence of aiding and kidnapping about a year ago?

(*c*) Was any enquiry held about the actions of the Subdivisional Officer?

(*d*) If the answer to (*c*) is in the affirmative, by whom was the enquiry made and with what result?

(*e*) Was any evidence taken and recorded as regards the allegation made by the Mussalmans of the locality?

(*f*) Was the enquiry public or private?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*), (*ii*) and (*iii*) No.

(*b*) Three Muhammadans were required by the Subdivisional Officer, Rampurhat, to show cause why they should not execute bonds to keep the peace under section 107, Criminal Procedure Code, and were under section 117, Criminal Procedure Code, required to execute

bonds first of Rs. 2,000 each, each with one surety in Rs. 1,000, and later in the sum stated with two sureties in Rs. 5,000 each.

(*c*) and (*d*) Yes. By the District Magistrate, Birbhum. He found that the allegations in part (*a*) of this question were unfounded and malicious—a finding which was accepted by the Divisional Commissioner and Government.

(*e*) Yes.

(*f*) The District Magistrate held a personal local enquiry.

Maulvi ABUL KASEM: With reference to answer (*e*), will the Hon'ble Member be pleased to state if any Muhammadan was examined by the District Magistrate?

The Hon'ble Mr. R. N. REID: Yes, Sir.

Maulvi ABUL KASEM: With reference to (*b*), will the Hon'ble Member be pleased to state why the Mussalmans were asked to supply security for keeping the peace? Did the Mussalmans there create any disturbance or was there any apprehension of creating any?

The Hon'ble Mr. R. N. REID: There was an apprehension that the Muhammadans concerned would create a disturbance.

RESOLUTIONS.

(On matters of general public interest.)

Rai Bahadur KESHAB CHANDRA BANERJI: On a point of information, Sir, With reference to resolution No. 82 which stands in my name, a requisition signed by 55 members was submitted the other day, as required by Standing Order 68B (section 77B of the Council Manual). Since then, I am not aware what action has been taken on the requisition; may I enquire whether I am entitled to move it out of its turn or not. The requisition was submitted by the members having due regard to the fact that it is a matter in which the Bengalees as a race are vitally interested.

Mr. PRESIDENT: Before any order was passed with regard to that requisition, I received a letter from as many as 14 of the signatories withdrawing their consent. The requisition, therefore, automatically failed.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. Is it permissible for one who has signed the requisition to withdraw his signature?

Mr. PRESIDENT: There is no rule to prevent such a step. If you go into the spirit of the standing order concerned you will find that I have to ascertain if 50 members are really willing to take a resolution out of its turn. In the present case, when 14 signatories out of 55 say in clear terms that they are not willing to take up the resolution in question out of its turn the requisition referred to by the Rai Bahadur falls to the ground.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Will it be permissible for these 14 members to recant their recantation now?

Mr. PRESIDENT: I would leave them alone.

(The Council then resumed further discussion on the resolution of Haji Badi Ahmed Chowdhury regarding the revisional survey of the temporary settled estates of Chittagong, etc.).

Mr. PRESIDENT: We may now take up resolution No. 2. The Hon'ble Sir Brojendra Lal Mitter was in possession of the House on the last occasion.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, on the last occasion when the resolution was moved, I had not time enough to make more than a few preliminary observations, and I did not go into the merits of the resolution. I propose to do that to-day. Sir, before I deal with the merits, I desire to draw the attention of the House to the scope of the resolution. The resolution recommends that the revenue of the revisional survey of the temporary settled estates of Chittagong and other districts which was enhanced on the basis of the rise of the price of paddy and jute be remitted at least by 25 per cent. So, the resolution is confined to the revisional survey of temporary settled estates, and the revenue as assessed on that occasion. In the course of the debate, much was said about rent in Government *khas mahals*. My submission is that the rent payable by cultivators in Government *khas mahals* is outside the scope of this resolution. I shall, therefore, confine my remarks to the revenue payable in respect of temporary settled estates in Chittagong and in other districts. These temporary settled estates are again restricted to estates in which the enhancement was based on the rise in the prices of rice and jute. So far as I have been able to ascertain there is no such estate in existence, because at the time of the revisional survey, assessment was based not upon the price of paddy or jute, but upon the assets of the tenure-holder on the basis of the rents which he was getting from the cultivators. What was done can be illustrated. Supposing a tenure-holder was getting Rs. 100 from the cultivator as rent. He was given an allowance of 40 per cent. and the revenue was settled at Rs. 60. Rs. 60 was settled not upon the

basis of the price of paddy or jute, but upon the basis of what the tenure-holder was getting from his tenants, the cultivators. The gross amount of his collection less an allowance, which on the average amounted to 40 per cent., was the revenue which was settled in respect of these estates. Therefore, the resolution, I submit, is misconceived; but I shall not make a debating point in order to defeat the resolution. I shall go into the merits of it. The real intention of the resolution is, I take it, that the enhancement was excessive, and the tenure-holders are finding a difficulty to pay the revenue, and, therefore, an occasion has arisen for Government to give a remission. That is the real intention of the resolution, howsoever the resolution might have been worded. That being so, I shall now deal with the substance of it and not merely with the form. Sir, with regard to the rise in the incidence of revenue my predecessor, the late Sir P. C. Mitter, in answer to a similar resolution moved last year, explained how the rise amounted on the average to four annas in the rupee and not ten annas in the rupee, as, under the law, would have been justified. Now the difficulty which has arisen in some of the estates, particularly in Chittagong, is this. As I have said, revenue was based upon the gross rent receivable by the tenure-holder. During the years 1924-1929 while this revisional settlement was going on the price of paddy had gone up and the tenure-holders in their turn had raised the rent to an excessive limit. They were getting a large amount of rent and the revenue having been based upon rent was necessarily high. The cultivators cannot pay the rent at that high rate: the result is that the tenure-holders find it difficult to pay their revenue. At the time of revisional settlement it was pointed out to the tenure-holders that Government could not reduce their revenue unless they, the tenure-holders, agreed in their turn to reduce the rent due from the cultivators. They refused. That being so, revenue was fixed upon the principle which I have stated. Nevertheless, the fact remains that revenue in some cases was pitched a little too high and that is evidenced by the fact that in the district of Chittagong the number of defaults has been unusally large. I shall give the figures in a moment. I am not minimising the importance of this question. But the mischief was done not by the Government but by the tenure-holders themselves by taking an excessive amount of rent from the cultivators which the cultivators are not in a position now to pay, the prices having fallen. If honourable members will look into the Tauzi Manual they will find that there is a rule based upon a fundamental principle which Government has been observing for many many years and it is this—that there cannot be any remission of revenue, unless there is a corresponding remission of rent due from the cultivators, because, otherwise, if Government remit, the cultivators will not get the benefit. Therefore we cannot undertake to reduce the revenue, in any case, unless there is a corresponding undertaking by the tenure-holders to reduce the rent. Now, if that principle is accepted—and I submit it is a very sound principle because if relief

is to be given it is not to be given merely to the tenure-holders but relief must be given to the cultivators also,—and I hope the Council will have no hesitation to accept it—you will find immediately that a reduction on a flat rate of 25 per cent. is impossible, because in some cases rent has been increased by 25 per cent., in some cases 50 per cent. and in some cases 100 per cent. I have got materials in my possession which show that in some cases the rent was increased by 300 per cent. If the increase of rent is so variable like that how can you expect the Government to reduce the revenue by a flat rate of 25 per cent? But that is no answer to the claim for remission. Well, if there be really a case for examination will the difficulty be insurmountable? I say no, the difficulty is not insurmountable. Take any individual estate and see what was the increase in the rent and what was the increase in the revenue. If we find that the increase was unconscionable, then reduce all along the line—reduce the rent and Government will be prepared, in that individual case, to reduce the revenue.

Sir, it is for that purpose that a special officer in the district of Chittagong, which is the worst affected, has been detailed to go into these matters and take up these cases individually and the Director of Land Records himself has gone there to examine the matter. As a matter of fact, I may inform the House that in a number of cases remission has been given when it was discovered that revenue was high on account of high rent. These cases are being examined at present. In January last I paid a visit to Chittagong and received a deputation of Noabad Talukdars. I discussed the matter with them and they said they would be satisfied if these cases were examined estate by estate and relief given, where relief was called for. That is just the process which is going on at present. The Director of Land Records is there and there is a special officer there, and they are examining the position. Government is determined to examine all these cases individually and give remission where remission is really needed. But I cannot, for the reasons that I have stated, accept the Resolution which recommends a reduction on a flat rate of 25 per cent. all round. It may be that in some cases no reduction is called for: in some cases on the other hand more than 25 per cent. may be called for. It is quite true as Haji Badi Ahmed Chowdhury said in his speech that in some cases the revenue on the face of it was raised from, say, Rs. 4,000 to something like Rs. 7,000. But, Sir, he attributed all these to the rise in the price of paddy at the time of resettlement. I want to disabuse the Council of a misapprehension that might have been caused by that statement. I have gone through many of these cases and what I find is this, that in a large number of cases where there has been an enhancement of revenue it is due to two factors. First of all, an increase in the amount of the cultivated land, say, 2,000 acres were cultivated before and enhanced revenue was due to the fact that at the time of resettlement it was found

that it was actually 2,300 acres. Here increase of revenue was attributable to increased acreage of cultivated land. The second factor was, what I have already stated, increase of rent. It is on account of these two causes that in a number of cases revenue has been increased to a large figure. It must not be put down merely to the formula that in these cases the increase was 100 per cent. or the increase was 50 per cent. It may be 100 per cent. or 50 per cent., but you have got to consider in respect of what quantity of land the increase took place and what was the raiyatari asset. And that is the reason why we cannot accept a flat rate of remission.

Sir, Haji Badi Ahmed Chowdhury has said that the increase was 50 per cent. and he drew the inference from the fact that previous to the resettlement Government got from the Noabad taluk Rs. 6,23,500 whereas after resettlement Government revenue was Rs. 9,45,583. Why was this jump? My answer to this is: there has been this increase because of the two factors—increase of acreage and increase of rent.

With regard to these *Noabad talukas* I admit that the problem is a serious one and a difficult one. But we we are tackling it in right earnest. I shall give the House an idea of the complexity of the problem. It is not capable of easy solution as has been suggested by the mover of the resolution. The number of *Noabad talukas* in Chittagong is 34,959. During the last three years as many as 21,929 *talukas* were advertised for sale, that is on the average about 7,300 *talukas* per year, which by itself is a serious matter. When so many as 7,300 *talukas* out of 35,000, *i.e.*, one-fifth of the *talukas* were advertised for sale, there must be something wrong somewhere. But I will assure the House that we not only realise the gravity of the situation but in our eagerness to save the *talukas* we are exercising the utmost restraint. The number of actual sales was not more than 355 a year: Some of them are very small *talukas*. Although the number of estates advertised for sale was as many as 7,300, the number actually sold was not more than 355 a year on the average. Nevertheless, the fact remains that the number of defaults was very large and it does call for a scrutiny and that is being conducted now. So far for Chittagong. I have nothing further to say. The position is this that there is a problem and a serious problem which we are tackling and tackling with determination. We know the causes of the defaults and we know also how these causes can be removed. They can be removed only by the co-operation of the *talukdars* themselves. If they in their turn will agree to reduce the rent due from the cultivators, that is, agree to accept an economic rent and not a fancy rent which was imposed during the boom time Government will be prepared to reduce the revenue in a corresponding measure. But beyond that I am not prepared to go.

As regards *khas mahal* land, I have already made my submission that it is irrelevant to the present resolution.

Now, I come to Jalpaiguri about which Nawab Musharruf Hossain spoke. With regard to this, although Nawab Saheb spoke with feeling, I dare say, born of intimate acquaintance with local affairs and probably also on account of personal interest—I am not complaining, we all do that—he left me in a rather unfortunate position as he gave no facts and figures. He simply instituted a comparison between a British Indian district Jalpaiguri and the neighbouring State of Cooch Behar. We do not know about the incidence of taxation in Cooch Behar. We do not know what revenue per acre is charged by that State and on what basis. We do not know what facilities the State of Cooch Behar affords to their tenants. Not knowing these factors it is not possible for me to test the comparison. Taking the Jalpaiguri *jotes* by themselves, what do we find? We find that the incidence of rent in the district of Jalpaiguri is very much lower than in any other district in Bengal. In the very best agricultural land in Jalpaiguri district, absolutely the best, the rent is Rs. 3 to Rs. 4 per acre—not more than that. Now, the hon'ble members coming from Bakarganj, Noakhali or Faridpur know what is the rent per acre of the best agricultural land in those districts. It is Rs. 10 or Rs. 12. I have seen in some places even Rs. 15 per acre. But here the maximum is Rs. 4 per acre. Lest the Nawab Sahib thinks that I am imagining I will give him some figures. The incidence of what is known as *chukani* rent, that is rent payable by the *jotedars* to the *chukanidars* per acre is—

		Rs.	a.	p.
in Bhalka area	... ...	1	5	3
in Falakata area	... ...	1	12	9
in Mainaguri area	... ...	2	4	1
in Alipur Duars	... ...	1	7	1

The rate of rent for *patit* land is between 2 annas and 4 annas. That is so far as Jalpaiguri is concerned, and there again I say that the re-settlement was based upon the rent. Now, if the rent was low, you can well imagine that the revenue could not be very high. Besides that in the Jalpaiguri district the land is comparatively fertile and yields not only paddy but jute and valuable subsidiary crops like tobacco. In that district my information is that the monsoon never fails and Government have spent enormous sums of money in improving communications, so that the produce can be easily brought to the market. These facilities have been given by the Government. The rent is low and the revenue is low, and there is no occasion for any genuine grievance so far as Jalpaiguri is concerned.

We have not heard any complain in the course of this debate with regard to re-settlement in any other district. It is only Chittagong and Jalpaiguri, and I have made by submissions with regard to both

these districts, and for the reasons I have stated hon'ble members will see that it is not possible nor will it be reasonable for Government to accept a resolution for remission of rent by a flat rate of 25 per cent. I have also told the Council that in Chittagong district, where the problem is serious, Government are taking adequate measures to give relief not only to tenure-holders but also to the cultivators. Having regard to all these facts, I hope the hon'ble mover will not press the resolution to a division.

The resolution was then put and lost.

Maulvi HASSAN ALI: I beg to move that this Council recommends to the Government that proper authorities be moved to immediately introduce legislative measures to fix the minimum price of sugarcane in Bengal.

Cultivation of sugarcane is growing to be a problem in this country. With the fall in price of jute and paddy and other products in the country, the problem of sugarcane as a substitute crop for jute is growing to be of much more interest than before. Government have undertaken the jute restriction propaganda and suggesting the cultivation of sugarcane as substitute crop. But unless Government protection is given to the cultivators by way of fixing the minimum price of sugarcane, no good can be done to the cultivators. They will be exploited by the millowners just as they have been hitherto exploited with regard to jute. And to-day we find, Sir, that jute growers are economically dead and we are all aware what awful crisis we are in.

There are three sugar mills at present in Bengal—Setabganj at Dinajpur, Gopalpur at Rajshahi and Beldanga in Murshidabad. These mills have been working from the last year. These sugar factories are already up and doing for profiteering. All possible arrangements are being made to get the supply at the cheapest costs. Cuttings of sugarcane are being supplied by the factories to the growers on condition that they supply three-fourths of their produce including the cuttings distributed at rate of price dictated by the factory. Besides this, applications for contracts of supply of canes and for *dadans*, *i.e.*, loans in the form of price-in-advance on standing crops are daily pouring in through different agencies in these factories. In short in the localities 75 per cent. of the sugarcane under cultivation is under contract in some form or other and the price is not fixed by the management of the factories. So, Sir, it is no exaggeration to say that another engine of exploitation will be soon coming into play with the growing production of sugarcane in the country and it is no wonder that in no time the sugarcane will meet the same fate as indigo in the past and the jute in recent times. I therefore urge upon the Government to take up the problem very seriously. There is no doubt that this industry is only in its beginning. Still, Sir, Govenment must

be on the alert from the very beginning if they are serious minded over giving any protection to the ignorant and poor cultivators impoverished to the verge of death under years of economic depression.

The Legislative Assembly passed the Sugar Bill a few months back. Among other things the Act provides the fixing of sugarcane price and it empowers the Provincial Legislatures to do the needful in accordance with local conditions. And already, Sir, Bihar Government and U. P. Government too, I believe, has fixed the minimum price of sugarcane. I therefore see no reason why Bengal Government should not follow suit.

Mr. S. M. BOSE: I beg to oppose this resolution. Bihar and Bengal are not at all on the same footing. In Bihar there is a very large number of sugarcane mills and there is a great demand for sugarcane, whereas in Bengal there are only, as the Hon'ble Member has stated, 3 sugar mills which are not enough to absorb all the sugarcane grown here. I believe the price of sugarcane in Bengal varies from four annas to six annas a maund, and up till now we have not had any such demand by the agriculturists who grow sugarcane that the price should be regulated. In Bengal we are trying to have sugarcane and this infant industry will be very greatly handicapped if from the very outset the price of sugarcane is fixed. My friend is really playing the game of Bihar. Bihar does not want Bengal to start mills and Bihar will be very glad indeed if the Bengal Government does hamper the establishment of mills in Bengal by such law. I therefore think that this proposal is entirely uncalled for and at the present time nothing should be done by the Bengal Government artificially to fix the price as my friend urges. I therefore oppose the resolution.

Babu PREMHARI BARMA: In supporting the motion of Maulvi Hassan Ali I beg to submit that it is high time that steps be taken to fix the minimum price of sugarcane by means of legislation in the province of Bengal in view of the fact that sugar mills have been established in Bengal in recent years. The necessity of fixing the price of sugarcane is due to the fact that sugarcane mill owners are buying sugarcane at their arbitrary and whimsical low prices. They are not at all uniform in their prices and are buying sugarcane at as much low price as possible. They vary their prices very often in accordance with the nature of the persons who bring sugarcane to them to sell. When they see that parties have come with cart-loads of sugarcane from far distant places and it is not possible for them to take back the sugarcanes home without loss the mill owners offer as much low prices as possible. Under the circumstances the poor cultivators are compelled to sell their sugarcane at the very arbitrarily low prices offered to them by the mill owners. Sugarcane mill owners have no competitors at all, *e.g.*, in north Bengal there is only one mill

at Satabganj in the district of Dinajpur and another at Gopalpur in the district of Rajshahi run by the same mill owner. Had there been other sugarcane mills in the localities then the mill owners would not have dared to offer arbitrarily low and whimsical prices. The poor cultivators of Bengal who had been hard hit by the abnormally low prices of jute are being advised by Government to decrease their jute cultivation and increase sugarcane cultivation where sugarcane grows. But this advice of the Government will be of no benefit to the poor cultivators unless the price of sugarcane is fixed by legislation as it had been done in other provinces of India.

Under the circumstances it is of urgent and immediate necessity that Government should take steps to fix the prices of sugarcane in the province of Bengal also where sugar mills have already been established. At the Satabganj sugar mill, sugarcanes are bought at prices varying from 3 annas to 5 annas per maund. Very often the rates of prices are changed by the mill owners.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, my friend Maulvi Hassan Ali has moved that Government should now fix a minimum price for sugarcane. The time has now come when something should be done by Government in this respect. So far as the Sugarcane Act is concerned that Act provides that no middlemen should be allowed to interfere in the trade, and it further provides that the provinces if necessary may fix a minimum price. Sir, we from our seats in this House have been clamouring for a minimum price for jute to be fixed and if we have really any faith in what we are clamouring for I think we should be consistent and take the view that what the rest of India has done Bengal too ought to do. Now the question is whether the time is opportune. In southern and eastern Bengal sugarcane mills have not yet been started but in North Bengal several mills, small and large, have been started, some have been started last year and some this year. In North Bengal I believe it is possible for people to grow sugarcane where the land is high and undulating. I myself at one time complained in this House about the enormity of the assessment in Jalpaiguri. At that time I had in mind the fact that three-fourths of the land in Jalpaiguri is high land and practically very little crop can be gathered out of that highland. Only one-fourth of the low land is possible of cultivation of paddy. But this three-fourths high land if cultivated with sugarcane will yield very good results. But the cultivators are very shy because they believe that they will not get a fair price for their labour. Now if a price is conveniently fixed by the Government of Bengal, which they have every power to do under the Act, my belief is that instead of retarding the spread of

sugarcane cultivation it will accelerate its progress. If you are sure that you will have a fixed income from a certain area you will put forth all your energy and resources for cultivating that area. When my friends from other parts of Bengal say that sugarcane or sugarcane mills are rare here, I do not think equally with them, as there are several such mills in Bengal. I myself have started a small mill and my friend Mr. Raikat has started another mill in Jalpaiguri. In Dinajpur there is a very big mill but they cannot get sugarcane from anywhere in Bengal, but have got to purchase it from Bihar, all the way from Bihar, and bring it to Dinajpur and crush it in that mill. On the other hand, if the people of Dinajpur know that by cultivating just one *bigha* of land they can get at least Rs. 50 out of it—I may say that Rs. 50 is the minimum price that one can get from one *bigha* of sugarcane;—if it produces the normal crop it should yield 200 maunds of sugarcane and 200 maunds even at the rate of 4 annas a maund should bring in a handsome profit. So by cultivating just one *bigha* of land with sugarcane you can easily get a sum of Rs. 50, if the price is fixed and there is a purchaser. I do not believe that any one can get the same amount from jute. One cannot get more than 3 maunds of jute from one *bigha* of land. There may be some extraordinarily good places where, I hear, one can grow 7 to 8 maunds of jute from one *bigha* but these are abnormal places and in ordinary places one cannot get more than 3 maunds. At the present rate of Rs. 2 to Rs. 3 a maund he cannot get more than Rs. 7 or Rs. 8 for all his labours that he will put forth for growing jute. On the other hand, if he grows sugarcane and if the price is fixed for it, especially in those places where mills have been started, then round about them you will see the people growing sugarcane and selling it at a remunerative price. Of course my friends from Clive Street will gradually come to know that sugarcane will replace jute. However, I fully sympathise with my friend Mr. Hassan Ali when he says that for his district there should be a minimum price fixed for sugarcane. If a start is made in his dictrict where a very big mill, whose outturn is 700 tons a day has been started, I believe his district will not suffer. On the other hand, mill owners knowing that they will have to pay a certain fixed price will also be assured of getting a certain amount of sugarcane from that part of the country and will not have to go to Bihar to purchase their supplies. So the Government of Bengal should at least make a start, and if it is extended to Jalpaiguri as well, I will not murmur, although it would be going against my interest. A mill-owner who has started an infant mill would not like to be handicapped in the matter of price. It does not however matter in the least whether I suffer as a result of this; but I want the cultivator to be assured of a fixed price and a fixed income. I do not mind suffering a little loss, but I do not believe that if the price is fixed on the basis of the quality of the article, it will be dis-

astrous to the mills as a whole. From my little experience of that commodity I find that while in some cases 12 maunds of sugarcane yield one maund of molass, in other cases 7 maunds of sugarcane yield one maund of molass. So, Sir, in fixing the price there should be a limit laid down from the lowest to the highest quality, and that limit should be determined not by an expert appointed by the local Government but by a committee. In Bihar, I think, a committee in every district has ben formed to regulate the minimum price. If some such thing is done here also, it will, I think, improve the condition of the cultivators. Of course, in this matter Government must proceed very cautiously. What I suggest from my place in this House may not be acceptable to my friend, the Hon'ble Minister, and even if he would not accept my advice I would not be very angry, because I know that he holds a position of great responsibility. I would rather leave the matter to him to consider with his experts with a view to seeing whether the time is not opportune for the fixing of minimum price, although I fully agree with my friend, Maulvi Hassan Ali, the mover of the resolution, that so far as his own district is concerned, a minimum price should be fixed. Probably, in other districts also, where mills have been started, the matter may be left to the discretion of the Hon'ble Minister, who is in the best position to control the situation.

Maulvi TAMIZUDDIN KHAN: Sir, Maulvi Hassan Ali has raised a very important issue. The question is whether Government should take action with a view to fixing a minimum price for sugarcane. The resolution has been opposed by Mr. S. M. Bose, and I think Mr. Bose has unfortunately raised the old question of the interests of manufacturers as against those of growers of raw produce, but he is right in his argument so far as this particular matter is concerned. As regards the conflicting interests of the manufacturers and the growers, our decided view is that the grower of the raw produce should never be placed at a disadvantage. All facilities and encouragement should be given to the growers. The question now is whether by fixing a minimum price for sugarcane in Bengal, Government will be furthering the interests of growers. That is the all-important question at issue. Mr. S. M. Bose has pointed out that the sugarcane industry in Bengal is still in a nascent stage and that there are only a few mills in Bengal as compared with the number of mills we find in Bihar and in other provinces. Now the question is whether we want more mills in Bengal or not. My view is that if you have more mills in Bengal, you will have more consumption, and there will be an increase of demand and consequent rise in prices. On the other hand, if more mills are not established no active incentive can be given to this infant industry of growing sugarcane in any other way. Now, if a minimum price for sugarcane is fixed, under the present circumstances I do not think it will facilitate the establishment of more mills in Bengal—rather it

will discourage the establishment of more mills. If the establishment of more mills is discouraged, it will affect the interests of growers of sugarcane also. Therefore, speaking about the province as a whole, I think that it will not be wise under the present circumstances to fix a minimum price; but conditions in different parts of Bengal perhaps vary—and certainly do vary. It has been pointed out that in North Bengal several mills have already been established and that the growers there are suffering on account of the very low price that sugarcane is fetching at present. I think that this is a matter that requires investigation—whether in certain parts of Bengal there is a just ground for fixing a minimum price. I do not think whether it will be advisable to fix a minimum price in one part of Bengal and not to do so in other parts. Whether that is feasible or not, I do not know. If it is feasible, I think the conditions in North Bengal should be carefully surveyed. We, in this Council, are not in possession of facts to such an extent as to give definite advice to Government on this point. A thorough investigation should be made into the matter, and if it is actually seen that the interests of the growers of North Bengal will suffer, because sugarcane does not fetch its proper price there and if at the same time it is possible to fix a minimum price in certain parts, I think it is time that Government should consider that question seriously.

Sir, Nawab Musharruf Hossain supported this resolution. But one thing which he has said rather dissuades me to hold the same view as he does. He says that there is a mill in Dinajpur but the mill-owners do not get sufficient sugarcane in that district and have to implement their supply from another province, viz., Bihar. That shows, Sir, that Dinajpur cannot supply the demands of even one mill and the mill-owners find it profitable to get their supply from a distant place. So, there is a vast field for growing more sugarcane there and there is no reason to suppose that the local mills do not offer a remunerative price to the growers. Why, then, the people over there are not being encouraged to grow more sugarcane? Can it be because they get too low a price? If the mill-owners there find it a profitable business to get their sugarcane from some other province, I do not think of any reason why they should not offer a proper price for the local produce. So, if a minimum price is fixed, the mill naturally purchase less from the local market. I think the mill-owners in that case will be compelled by circumstances to get more of their required raw material from other provinces and the local growers will suffer a consequent loss. I do not think, that it is at all an encouraging situation that even the few mills that we have here are not being properly supplied with raw material.

Sir, some of my friends here have referred to the case of jute and have said that there is a demand for fixing a minimum price of that commodity. Why, they argue, a minimum price should not be fixed in the case of sugarcane also? I do not think that the two things stand in the same position. As far as jute is concerned, we know that Bengal

practically holds a monopoly in its production. Therefore, if a minimum price can be fixed for jute the cultivators are likely to be benefited; and there can be no question of any harm being done to them. The question of fixing a minimum price for sugarcane stands altogether on a different footing, and it should be approached from a different angle. Sir, my view is that it does not seem advisable to fix a minimum price for one part of Bengal, leaving out the rest. This is a question which ought to be considered, investigated with reference to its various aspects by Government before it can come to a decision.

Mr. P. BANERJI: Sir, I rise to support the motion moved by my friend, Maulvi Hassan Ali. This is, as has been pointed out by my friend, Maulvi Tamizuddin Khan, a motion of great importance. I fail to understand why Mr. S. M. Bose has thought fit to oppose this motion. He says that it will stand in the way of manufacturers. It is a well-known fact that the Bengal Government during the last few years have been making an endeavour to encourage sugarcane production. In reply to a question last year the Hon'ble Minister stated that altogether there were 50 small or big mills in this province. Besides these fifty mills, I think, three big mills have been started,—as has been pointed out by the mover of the motion—at Sitabganj, Gopalpur, and Beldanga. I might add that there are many other sugar mills under construction in Bengal. Now, the Government desire that the manufacture of sugar must be introduced in this country to give relief to the poor cultivators, as there is not much profit in the cultivation of jute. Sir, the existence of the mills depends on the cultivation of sugarcane. It has been pointed out that the sugarcane cultivation in Bengal is not in abundance and that the organizers of the mills that have been started know it full well that in Bengal the cultivation of sugarcane is not really abundant. And I might tell you, Sir, that the mill that had been started in Beldanga and also at Sitabganj could not work during the year, the reason being that the latter was a big mill with a capacity of producing 700 tons a day. At the beginning it was not possible for such a big mill to work in an area where there is not much sugarcane cultivation. The difficulty of the cultivators at present are that the mill owners are advancing money to them on condition that they would sell sugarcane at a much lower price, say from 3 annas to 5 annas. In places, take Gorakhpur and Cawnpur and in some places in Bihar, sugar mills are making tremendous profit. They are making a profit of about 50 per cent. This is no doubt a huge profit. So if the price is fixed by Government as it has been done in Bihar I fail to understand why manufacturers should suffer. Of course in fixing a minimum rate Government will take into account everything, as has been pointed out by Nawab Saheb. The objects of the mill owners at Dinajpur was to reduce the price so as to make greater profit. That is why they are

purchasing this commodity even at 3 annas a maund. If we go into details we find that the yield per *bigha* is 200 maunds. Even if it is sold at 4 annas a maund it brings Rs. 50. The production cost in the minimum is Rs. 43-10 besides the cost of transport. Taking this into consideration the cost would be in the neighbourhood of Rs. 50. If the minimum price is fixed at 4 annas a maund there will be a loss of Rs. 2. Therefore if the price is fixed at 5 annas a maund there is chance of some income. Now, if the cultivators who are new in the field find at the outset that there is no profit even in the substitute crop that has been suggested by the Government then naturally they will refuse to cultivate sugarcane, and the result would be that once these cultivators are discouraged, the net result will be that there will be no sugarcane mill, and it will end in the automatic closure of those mills that have been started or are under construction. Sir, in that view I consider that it is rather high time that Government should consider this question from this aspect and fix a minimum price so that the cultivators may be encouraged to grow more sugarcane; and with the growing of sugarcane in large quantities in this country naturally there will be growth of sugarcane mills as has been the case in Bihar.

With these words I support the motion.

Babu HEM CHANDRA ROY CHOUDHURI: Sir, for the very reason that has prompted Maulvi Hasan Ali to bring this motion in this Council I oppose it, that is for the benefit of the cultivators. In spite of the best effort and extensive propaganda of the Agriculture Department of the Government of Bengal, the sugarcane cultivation did not make a great headway in several parts of the province. It is neither because agriculturists are unwilling to cultivate sugarcane nor because the lands are unfit for sugarcane cultivation, but because there is no sufficient demand for sugarcane. Sir, from my experience of jute restriction propaganda in the district of Noakhali and its neighbouring oues I can say that the cultivators are very willing to make sugarcane plantation, but the persistent question they often put to the propagandists is how they are to dispose of their crop, and really speaking there is no satisfactory reply to that.

Sir, in spite of our best effort at Noakhali we cannot get any capitalist to establish a factory there in order to increase the demand of sugarcane. Sir, Maulvi Hassan Ali and Nawab Musharruf Hosain have said that the fixing of a minimum price of sugarcane will induce the cultivators to grow more sugarcane. Fixing of minimum price may help the cultivators only where there are a number of sugar factories and their owners combine to exploit the sugarcane producers, but in Bengal no such case has yet been established. Consumption in extensive scale can only be made by the mill owners. In Bengal if the capitalists do not get sufficient encouragement to establish mills, agriculturists will be

discouraged to grow sugarcane for want of demand. Maulvi Hassan Ali has told us that at Jalpaiguri and Dinajpur the mill owners are not giving proper price for sugarcane and that is the reason why there is no sufficient cultivation or sufficient supply of sugarcane in that district and the mill owners have to import their canes from other province, Bihar. We know, Sir, that in Bihar a minimum price has been fixed and mill owners at Dinajpur, in order to get sugarcane from that province, have to pay the minimum price to them and over and above they have to bear the transport cost. If the mill owners are ready to pay the minimum price to the growers of Bihar over and above the transport cost, there is no reason why the mill owners would not be ready to pay the same to the growers of Dinajpur. The minimum price fixed by the Bihar Government plus the transport cost will be sufficient for satisfying the growers of sugarcane at Dinajpur, for the price of 4 annas or 5 annas a maund will leave a sufficient margin of profit to the growers. A time may come when there will be more demand and the authorities may then be approached for fixing a minimum price. Now-a-days, speaking about Chittagong Division at least, there is no great demand for sugarcane and the people are therefore not very anxious to grow sugarcane in extensive scale. If mills were established in that Division I think the sugarcane cultivation would have been very extensive even without propaganda. With these words, Sir, I oppose the motion.

Mr. PRESIDENT: I have allotted half an hour for the discussion of this motion. The Hon'ble Minister may now speak.

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: Sir, Government have every sympathy with the motive underlying the resolution of the hon'ble member. Government are greatly interested both in extending the cultivation of sugarcane in Bengal and in securing the cultivator a fair share of the value of his produce. As a matter of fact, Sir, an Act to regulate the price of sugarcane, intended for use in sugar factories, was passed by the Indian Legislature and received assent of the Governor General last year, the Act being No. XIV of 1934. It is not necessary now to undertake any legislation in order to fix the price, but all that need be done for the purpose is to take action under section 3 of the Act, with a view to the declaration of controlled areas and the fixing of price. Since the passing of the Act, we have had under consideration for some time now the question of fixing minimum prices for sugarcane. But the matter is one which obviously must be handled very cautiously for hasty action based on insufficient data might defeat its own end. There is the danger that the statutory limitation of mill owners' profit which might result from the fixation of price might hamper the development of the industry which has but recently been established in Bengal, and is not yet on a sufficiently large scale. This might in turn prevent the cultivator from finding a market

for his cane. Enquiries have, however, been already set on foot with a view to ascertaining whether any, and if so what, action is called for. But the data, so far collected, is still insufficient for the purpose of deciding how far it is desirable in the best interest of the industrial development of the country and of the cultivator to fix any minimum prices. In these circumstances, Government have decided for the present to watch the development of the industry for some time and to observe the tendency at work before taking any action. They are awaiting further information as to the adequacy of the prices secured by the growers, and are taking steps to secure complete information as to the need for introducing co-operative methods to assist them. We hope, Sir, to be in a position to reach a final decision in the matter before long. I would request the hon'ble member to await till then, and not to press his resolution in the mean time but to withdraw it.

Maulvi HASSAN ALI: In view of the assurance given by the Hon'ble Minister, I beg to withdraw the motion.

The motion was withdrawn by leave of the House.

Babu MUKUNDA BEHARY MULLICK: I beg to move that this Council recommends to the Government that a special officer be forthwith appointed to make a special survey of the condition, progress and other matters connected with the education of the depressed classes (scheduled castes) of the province with a view to suggesting ways and means for ameliorating their general condition and that immediate provision be made for funds necessary for the purpose. In placing this motion of mine before the House, I make bold to state that the request I am making of the Government is a fair and modest one. For, Sir, I am only asking the Government to appoint a special officer out of a large number of their officers in the department and if possible particularly one belonging to these classes, so that a survey may be made of the conditions of these classes with reference to education and to suggest ways and means as to how their general condition may be improved and that the Government may be properly advised as to the courses they may adopt in this direction.

In putting forward this little demand, I do not think, Sir, that it will be necessary to go into any great details. It will however be not unreasonable if I were to give one or two facts for the proper appreciation of the problem. The total population of this province, as appears from the last census, is about 51 millions. Of this, a little more than half are Muhammadans; and the rest are non-Muhammadans. Amongst these again, the Hindus are nearly 21 millions; and of this number nearly 10 millions belong to the depressed classes, who are now termed the scheduled castes.

It is not my purpose to give a general review of the educational progress made in this country by all sections of His Majesty's subjects.

What I propose to do is to quote the figures from the Government reports to show the absolutely hopeless condition of this large number of people so far as their education is concerned, though we have heard very loud talks both in this country and abroad of the general and moral obligations of the British Administration towards these millions of humble people of India before they could make over the administrative responsibilities in favour of the very few of talking Indian politicians, one cannot certainly overlook the measures that have been adopted by the Government in this respect, but what I maintain is that all this is but very little in comparison with the magnitude of the problem.

I shall not go very far back. In their Eighth Quinquennial Review on the progress of education in Bengal for the years 1927-1932, Chapter IX, where the Government give the figures of the students, both boys and girls of the backward classes, they point out that the total number receiving education in all grades of educational institutions including higher, middle stage, primary stage and even in special and indigenous institutions in 1926-27, was 344,179, that is about 3·4 per cent. of their population; in 1931-32, it was 440,054, that is nearly 4·4 per cent., while the number on the 31st March 1933, as appears from Chapter XI of the Report on public instructions in Bengal for the year 1932-33 was 437,220, that is about 4·3 per cent. It therefore shows a fall in the number. The position cannot be denied therefore that the problem deserves a very careful investigation in order that various unfortunate incidents due to ignorance and illiteracy may be removed.

Apart from any other consideration of all high problems, it has now been admitted that in order that a man can live as an ordinary human being he must have some little education. For without education he cannot even feel that he is a human being, not to talk of undertaking other responsibilities attached to a man's life.

If you consider another aspect of the question, it will clearly appear to you, Sir, how urgent is the necessity for an investigation of the problem. India is primarily an agricultural country. Nearly 70 per cent. of the population are engaged in agriculture and about 20 per cent. more depend upon its usufruct. We have not yet known how this can be improved to make its produce an industrial concern. Besides, we find that these people are subjected to innumerable sufferings when there are floods, inundations and droughts followed by famines. The reports would show that the members of these classes are mostly agriculturists by occupation. Again, whenever there have been epidemics, these ignorant and illiterate people suffer most as they do not know the elementary rule of sanitation and health. Unless they know all these elementary things, what will they do with a responsible administration? They will certainly not realise what that means.

Even when Government have been generous enough in giving them some little self-government through the Village Self-Government Act, we have seen that it has all been an apple of discord and has been always a source of internal quarrels and factions in the village as they have not realised the true import of measures of this nature.

Government reports will show that even with their low percentage of general literacy many of them have gone up for higher university education and the problem of unemployment is being felt by them as well. These young men only follow the general run of events without having been able to develop ideas of self-reliance and self-control. We have seen that students after having taken their degrees in Science and Commerce, have been forced to come to Law as they did not find any opening in those directions to make their two ends meet. I am not in the least discussing the merits and demerits of any particular course of studies. But what I maintain is that for communities, whose number is fairly big in this province and who are yet in their infancy so far as educational progress is concerned, efforts should be made to prevent any ill-guided or misguided action of the nature I have indicated.

Some sort of education they must have. I am not here to suggest what this should be. I am, however, not a believer in aimless education not even in that education which does not make a man strong enough to bear the burdens of his life. But all this requires investigation by an expert on the subject. As it involves a very considerable section of people I am sure the Government would not mind the little expenditure it involves. And perhaps I am correct when I say that they would make a very great gain if the problem can be solved, when it has not yet assumed an acute shape.

With these few words I beg to commend my motion to the acceptance of the House.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, with your permission I must at the outset explain the position of the Education Department with reference to this resolution. The Education Department has for a very long time been considering the problem and has recognised the need of doing something for those who are educationally backward. Long before the present scheduled castes came to be classed as such, the Education Department recognised certain number of classes which were educationally backward and had been consistently following the policy of encouraging the education of those classes including the depressed classes. My friend has raised the question of appointing a special officer, but his aim and object is to make a special survey of the condition, progress and other matters connected with the education of the depressed classes with a view to suggesting ways and means for ameliorating their general condition. I may state for the information of this House that we have already got all the information on the

subject and this matter was very carefully and thoroughly gone into in 1928-29 when Government took the trouble of investigating the matter from different sources, and the result of the enquiry was that Government had in their possession all the information that they required. Apart from that, we are making an educational survey of the province with reference to secondary education and also investigating the present position with reference to primary education, and in connection with that we are particularly looking into the position of the backward classes and the depressed classes. I have myself taken particular care to look into the condition of the classes who are backward or who are considered educationally backward. I therefore feel that the necessity of this resolution does not arise at the present stage. We hope to come to some definite conclusion soon as to what policy Government are to adopt with regard to education of the backward classes. In the meantime I might inform the House that Government have done quite a good deal for the backward classes in the way of giving scholarships to the students of those classes. At present there are—

3	Scholarships	of the	value of	Rs. 30	each	in the graduate class.
6	"	"	"	Rs. 15	"	in the senior "
7	"	"	"	Rs. 10	"	in the junior "
3	"	"	"	Rs. 10	"	in the law "
3	"	"	"	Rs. 10	"	in the engineering "
40	"	"	"	Rs. 4	"	in the middle "
66	"	"	"	Rs 3	"	in the primary final.
36	"	"	"	Rs. 2	"	in the primary preliminary.

All these are reserved for the backward classes. In addition to that—and I am very glad to note that the backward classes are coming to the forefront— out of 105 scholarships open generally to the Hindus and Muhammadans as many as 16 have been taken by members of the backward classes. Apart from that, the encouragement which has been given by Government in the matter of giving special scholarships and in fixing the limit of their enrolment in high schools has served its purpose, and the backward classes are coming forward to take their stand with other classes in the educational level of the presidency. We are again investigating the question whether this has been sufficient and if necessary we shall be able to do something more in the matter, and the question of additional scholarships will receive our earnest consideration. At present there are 3 seats reserved for the backward classes in the training colleges and this year a budget provision has been made for giving two more scholarships in the Commercial Institute. Government are trying their level best for the backward classes in the matter of improving their position with regard to education and I hope that in view of the assurance that I have given my friend will see his way to withdraw the resolution.

Babu Mukunda Behary Mullick's motion was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: I may tell the House that one hour will be available for the discussion of the next resolution (No. 15).

Babu LALIT KUMAR BAL: Mr. President, Sir, I beg to move that this Council recommends to the Government that in future recruitment to Government services under the Government of Bengal, the candidates of the scheduled castes be appointed in all departments in proportion of their population in Bengal. In this connection I beg to draw the attention of the Government that the claims of the scheduled caste candidates in the matter of appointments have all along been overlooked although there is no dearth of qualified candidates among them. The numerical strength of the scheduled castes in Bengal is almost half of the entire Hindu population of the province. These people certainly deserve every encouragement in the hands of the Government in the matter of their appointments in all departments in consideration of their backwardness and vast population in this province. A circular has been issued by the Government on the 28th April 1931 regarding the ministerial appointments of the scheduled castes; but I am sorry to submit that the circular is not generally followed by the district authorities when making appointments in ministerial departments. Then, in Police service and in other services under the Government, the candidates of the scheduled castes have very often met with sympathetic reply, but their claims have been consistently disregarded in almost all cases. I therefore appeal to the Government that in view of the backwardness and vast population of the scheduled castes of Bengal, all possible measures should be taken to ensure appointments of these candidates in all departments according to their population in the province. With these few words I commend my motion for the acceptance of the House.

The Hon'ble Mr. R. N. Reid: I am somewhat handicapped in replying to this resolution as I found it very hard to hear what the mover said. The resolution recommends that in future recruitment of the scheduled caste candidates to Government service in Bengal should be proportionate to the whole population, that is to say to the proportion that they bear to the general population of the country. The first point I would like to make is a practical one. If the principle underlying this resolution is accepted, it would be very difficult to see how Government could avoid extending that principle in every case, that is to say they will have to make all appointments in the exact proportion which each section of the population bears to the general population, and that I think would land Government in a very difficult, if not impossible, position. In fact the logical corollary

to it would be not only to make recruitment according to the proportion which each large section of the population bears to the whole population but also within the section itself and that will mean that we shall have to subdivide our candidates to such an extent that it will be almost impossible to meet all demands. We should then be compelled to arrange that each section of a community only competed within itself, which really is *deductio ad absurdum*. That is a proposal which Government, for obvious reasons, can never accept. I do not wish it to be thought however that, in saying this, Government are without sympathy with the scheduled castes. That is an entirely wrong supposition and it has been shown time after time that Government both in the reserved and in the transferred departments are anxious to see that each portion of the population of this province get its fair share of appointments, always subject however to the proviso that the candidates are properly qualified.

This is a proposal that has been discussed before and I remember that Mr. Mukunda Behary Mullick himself brought forward such a resolution in 1931. At that time it was a proposal, I think, that 20 per cent. of the appointments of munsiffs should be kept for the backward classes. At that time my predecessor said that he could not accept that proposal, but at the same time he promised that—and that promise I can well repeat here now—that the claims of all communities would be considered and as favourable a treatment as possible accorded to each.

The principles which Government have adopted are briefly that, it is to the general advantage of the whole province that the representatives of all the castes and divisions of the population should be represented in the public service and they also accept the principle that to obtain this result it is necessary within reasonable limits to make special provision for those sections of the population which are least well advanced and have fewer advantages than others. Those are the broad principles which were adopted in 1925 when, it will be remembered, a communiqué was issued on this subject in which Government stated their views. That communiqué was written with special reference to the appointment of Muhammadans to the public services but the general principles apply also to all other classes of the population which have not equal advantages with the rest. That system has recently been examined by Government and the results gone into. The conclusion that Government came to was that the system was by no means perfect—and no system is perfect—nor was the result always entirely satisfactory, but so far as it went, they came to the conclusion that it was difficult to say in what respect it could be changed with advantage. In fact the results did not show—they were very carefully examined—that the scheduled castes were failing to get appointments in proportion to the number of their qualified candidates. In 1925 Government said that the criterion which they aimed at was the good

of the population as a whole. It will be remembered that they pointed out that, quite apart from their official duties, the administrative officers of Government were through their position, able to make their influence felt in a general way for the good of their own communities, and that has always been recognised as a reason for having the representatives of all kinds and classes of the population in the public service. I contend that that principle cannot be realised by a purely mathematical application of a system of percentages and we should be wrong to think that by a purely mechanical application of a percentage basis, the general good would be obtained or that in practice it would really redound to the benefit of the scheduled castes themselves. It would not surely be to their advantage that they should have representatives in the public services, appointed thereto not on their own merits, but because so many candidates had to be appointed from their community simply in order to bring up the number of the candidates to the quota demanded on a percentage basis. The whole basis of this demand for special treatment is inequality in educational attainments, and the necessity for such special treatment is the fact that the backward communities have not the same opportunities as other communities have. But, on the other hand, any such special arrangement must be in the nature of a transitional measure. The whole basis of the thing is that, at present certain communities suffer from disadvantages in the way of education, experience, etc., but the time will come—and they themselves have always maintained that a time will come, and in fact we often hear that there is no dearth of qualified candidates—when they will be able to compete with each other and everybody else on a basis of equality.

Then, again, it is not as if the appointments at present reserved for the scheduled castes were the only appointments they can get. They are able to compete not only on the special terms which are allowed under the rules but they are also able to compete on equal terms with anybody else at the public examinations, and, as everybody knows, there are quite a reasonable number of their community who have got into the public service of Bengal, from the highest down to the lowest, on equal terms with competitors of all classes. I could name one or two excellent officers both in the Imperial and in the Provincial services.

There is one other point which I think one ought to emphasise, and that is that, however anxious we may be to give the backward classes special consideration and treatment, we do have to consider the needs of the public services themselves and it is not to the interest of the public services and it is not to the interest of the province in general either, that we should be compelled by the application of a rigid percentage basis to take into the services men who otherwise would not get in on their own merits. That, Sir, I submit, is a matter which affects all classes of the population and the welfare of the province at large.

One other point which also occurs to me is this: if you pursue this percentage basis proposition to its logical end—and I have tried to show earlier what its real result would be —are you not in danger of accentuating even more than is the case at present that cleavage between the classes which now exists? It is rather like the argument about separate electorates. Separate electorates are things which we do not like but the majority of people agree that separate electorates are under the present conditions a necessary evil, a transient thing which we hope will eventually be done away with. The same consideration applies to the special advantages which are given to certain classes in order to alleviate for them the handicap under which they have laboured up to now owing to their want of education in the past and the want of opportunities which that lack of education entailed upon them. As I said before I do not want the mover of the resolution to think that Government are unsympathetic to the aims of the scheduled castes. But I only want to point out the difficulties which would arise supposing this resolution to put all appointments on a purely percentage basis were accepted. I would also like to point out that such a proposal would not redound either to the benefit of the public at large or in fact to the benefit of the scheduled classes themselves. So I trust that with this assurance the hon'ble mover will perhaps withdraw his resolution.

Babu LALIT KUMAR BAL: In view of this assurance of the Hon'ble Member I beg leave to withdraw my resolution.

The motion was then by leave of the Council withdrawn.

Mr. PRESIDENT: I might tell the House that 45 minutes will be given for the discussion of this resolution.

Maulvi ABDUL HAKIM: Sir, I beg to move that this Council recommends to the Government that early steps be taken for the encouragement of sugar cultivation throughout Bengal—

(*i*) by supplying all Government agricultural farms with automatic sugarcane crushers for demonstration purposes; and

(*ii*) by leasing out such crushers at a nominal hire to substantial cultivators.

Sir, the main difficulty in the cultivation of sugarcane is involved in the extraction or pressing out of juice from the sugarcane. In villages the juice is generally pressed out by means of an apparatus which is to be propelled by engaging bullocks or buffaloes. Sir, it is known to all that the extraction of juice from the sugarcane is a very difficult task and the bullocks or buffaloes engaged for this work are worn out and rendered useless for the plough. And it is primarily for this reason

that the cultivators are unwilling to take the cultivation of sugarcane on a large scale. Now, Sir, this difficulty will be solved to a great extent if automatic sugarcane crushers are supplied to all agricultural farms and these sort of crushers are leased out to substantial cultivators at a nominal hire. Cultivators are so hard hit now that they are unable to keep two sets of bullocks or buffaloes, one set for the plough and another set for sugarcane crushing. The minimum price of these automatic crushers are, as I know, twelve hundred rupees or so. I hope that the Hon'ble Minister will kindly consider my suggestions and see that the steps suggested by me are adopted. With these few words I commend my resolution to the acceptance of the House.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, I would assure the hon'ble member that Government are already working in the direction desired by him and are studying the question how to enable the sugarcane grower to crush his own produce with profit. But the action proposed by my hon'ble friend would, I am afraid, be premature. Government have already established demonstration plants at two centres,—Dacca and Rajshahi. Experiments are continuing, and the results are being closely watched, but until the economic success of these experiments is assured, and it is clear that the plant is really profitable, Government would be ill-advised to start more.

Further, as regards the leasing out of such crushers at a nominal hire to substantial cultivators, this, I am afraid, is also hardly a practical proposition. In the first place, this would mean heavy capital expenditure which is not feasible in present circumstances. If, on the other hand, the rates were commercial, few cultivators could afford the plant. Moreover, a cane-crusher requires an area of 75 to 100 acres of cane to keep it employed. Few cultivators have this area under sugarcane alone. The question of the co-operative organisation of sugarcane growing is, however, now under consideration. I would assure my hon'ble friend that in that connection Government will consider whether it is desirable to facilitate the acquisition of crushers by co-operative societies of such growers.

It will be clear, Sir, from what I have stated that Government are already moving in the direction desired by the hon'ble member, and I would, therefore, request my friend to await our action in this direction and in the meantime not to press his resolution.

Maulvi ABDUL HAKIM: In view of the assurance of the Hon'ble Minister I beg leave of the House to withdraw my resolution

The motion was then by leave of the House withdrawn

Mr. PRESIDENT: Gentlemen, members will have one hour for the discussion of this resolution.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I beg to move that this Council recommends to the Government that immediate steps be taken for establishing a climatic sanatorium for tuberculosis patients in Bengal.

Sir, my first words in moving this resolution must be an expression of regret that Sir John Woodhead is not present in the Chamber, because, Sir, even though the Hon'ble the Finance Member may be hard-hearted and may not listen to an appeal for funds for this purpose, I should have thought that Sir John Woodhead would have listened sympathetically to my chief supporter. The first argument in favour of my resolution is an appeal issued by the Patron of the Tuberculosis Association of Bengal on the 16th of November last in the person of Lady Woodhead. She pleaded eloquently for support for the Tuberculosis Association of Bengal and asked for funds for combating tuberculosis. Her words were that although there were many other causes which the public are called on to support, the prevention of tuberculosis is an object which is essential not only for the alleviation of the suffering but for the protection of the sound. In these words, Sir, Lady Woodhead appealed for funds for combating tuberculosis in Bengal. And, as I have already said, I am sorry Sir John Woodhead is not in the Chamber now to give his opinion as to the results that ought to follow from this appeal.

Sir, the incidence of tuberculosis in Bengal is rising daily. According to medical authorities in the country the ravages of tuberculosis in Bengal are second only to that of malaria. Year after year in this Council, several of us have been asking the Government and the Hon'ble Minister in charge of the Public Health Department to allot more and more money for combating this fell disease. I, for one, have several times approached this Council and through it the Hon'ble Minister for allotting more money for helping the Jadavpur Sanatorium. I am glad, Sir, that some assistance is proposed to be given in the next year's budget to this very laudable object; but that only touches the fringe of this big question. Sir, it may be news to most of the members of the House that to-day in Calcutta there are over 30,000 tubercular patients and in the rest of the province there are over 800,000 cases of lung tuberculosis. It must be admitted that these figures are appalling in number; and if proper steps are not taken in time to check the spread of this disease, one shudders to think what the effect of it will be on the population of Bengal. Sir, in the different provinces of India there are climatic sanatoria established. Sir John is now coming into the Chamber when my appeal is practically finished. As I was saying, in Bihar there is the Itki sanatorium, in the United Provinces there is the Bhawali sanatorium and in the Presidency of Madras there is the Madanapalle sanatorium. Bengal, to our shame be it said, has not a single climatic sanatorium. These sanatoria in the different provinces that I have spoken of are supported munificently by Government aid and they

naturally pay more attention to the claims of their own nationals; so that at the present moment if a tuberculosis patient from Bengal wants admission to Itki, Madanapalle or Bhawali, he has got to pay a very much larger fee than a Biharee or a U. P. man or a Madrassi would respectively have to pay. I can quite see the force of the arguments of these sanatoria that they can hardly cope with the large number of their own patients. The effect of not having a climatic sanatorium in Bengal is two-fold. Firstly, as I have said, there is very little accommodation for patients in the Bengal hospitals—in fact I believe that the total number of beds for the tuberculosis patients in the hospitals in Bengal is probably not more than 250. Abour 83,000 patients come to Calcutta and how is the provision of 250 beds to cope with the 83,000 cases? It may be said that one climatic sanatorium in Bengal would be hardly of any appreciable effect; but my submission is that a climatic sanatorium will not only have effect in alleviating the suffering of the tubercular patients and in finding the means of a lasting cure but it will have largely an educative effect not only upon the doctors but also upon the people in general.

Sir, I am told—I do not know if the Hon'ble Minister will bear me out—that about six months ago or more a rich inhabitant of Calcutta offered to place in the hands of Government a handsome donation amounting to Rs. 3 lakhs for the purpose of founding such a sanatorium; but Government have not been able to accept that offer. I do not know why. If it be for the reason that Government are not willing to pay the recurring expenses, I submit, Sir, that that is a reason which ought not to have prevailed upon them. This is a question in which I am sure all parts of the House will agree that all that can possibly and humanly be done ought to be done to fight the ravages of tuberculosis. Sir, I am quite sure that the Government are not wanting in the desire to achieve the object which we all have in view. I am afraid that we shall again be met with the perennial complaint of want of funds over this matter. But I submit, Sir, that there could be no higher purpose for any Government than to save the lives of the people under its care. If you do not try and save the lives of the subjects placed under you, what is the use of a Government? Sir, I do not grudge the lakhs of rupees given by Government to other departments; I do not grudge for the moment even the money that Government are spending—some of us think unnecessarily—for the purpose of running the police administration and for the purpose of protecting their own officers. But, Sir, is it not the duty of the Government to protect the population of Bengal—the 50 millions of people of Bengal—by spending the sum necessary for the construction of a sanatorium at a place—say like Kalimpong or Kurseong. If they can spend nearly a crore of rupees for the safety of what is after all "merely a handful of officers," is it not their bounden duty to protect the lives of the people of Bengal? As I have already told you, Lady Woodhead said that the prevention of tuberculosis is

an object which is essential for the protection of the sound. I submit, Sir, that if by spending a few lakhs you prevent the contagion from spreading—from the 30,000 in Calcutta and 800,000 in the rest of the province,—and if you can save the children from contamination, it is the bounden duty of the Government to do it. I hope that the House will see that this resolution is carried unanimously.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I think that not a day should be lost to give effect to the resolution moved by my friend, Mr. Narendra Kumar Basu. Of all the diseases now prevailing in this country, viz., cholera, small-pox, etc., tuberculosis is the most dangerous, because you do not know if the man standing next to you is a sufferer from it or not. So, I think no time should be lost to take up this matter in right earnest. I fully agree with my friend the mover with all he has said and I think he has spoken enough about the matter; and it is up to Government to come to the rescue of the people. With these few observations I fully support the resolution.

Mr. P. N. GUHA: Mr. President, Sir, I fully and wholeheartedly support the resolution of my friend Mr. N. K. Basu and I do not think that there can be any one in the House who will have any objection to this resolution. Sir, I am myself a victim of a disease which probably belong to the family of tuberculosis. I have been going round almost all the healthy places to see when I can get some relief for my lung trouble. Since my retirement six months ago, I have been trying various sanatoria and I have found Puri to be the best place. I have consulted many medical men and they are of opinion that the sea shores are the best places for all lung troubles. Sir, I know it from my experiences that many hundreds of people suffering from tuberculosis run to Puri for relief only to come disappointed on account of the refusal of the house owners to give them accommodation. I have seen men and women—all Bengalees—lying in a pitiable condition on the sea beach at Puri but that even is coming to an end. I have heard it that the Puri Municipality has served every house owner with a notice asking them not to let out his house to any one suffering from tuberculosis. So it will be realised that the authorities in Orissa are taking drastic steps to prevent the spread of the disease. Puri is probably the only place where the people of moderate means can easily go and get some relief. That is being shut out and in this connection I am proud to remember that about 20 years ago my friend Mr. Shanti Shekhareswar Ray used to provide shelters for the Bengalees suffering from tuberculosis. That also has gone. The disease is spreading with alarming rapidity in the villages of Bengal and something must be done at once to give relief to the patients. I hope the Hon'ble Minister will accept the resolution. In conclusion I may tell all concerned that besides such places as Kalimpong and Kurseong in the hills there are places like Cox's Bazar and Diamond Harbour on sea side which are admirably

suited for the purpose of establishing hospitals for patients suffering from tuberculosis. Every other province has got its own sanatorium and it is a disgrace that Bengal has not got one.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, if there is any resolution which should have the unanimous support of this House, it is the one now under discussion. Mr. Narendra Kumar Basu has raised a very pertinent question which should engage the serious attention of the local Government. He has rightly pointed out that the Government in other provinces such as Madras, Bombay, United Provinces and the Punjab and even the Government of Assam which are in a very bad way financially set apart annually a substantial amount for medical relief, particularly for the treatment of infectious diseases like tuberculosis. But the small allotment that we find in our budget every year is hardly adequate to meet our requirements. Sir, it is well known that places like Waltair, Puri and Shillong are becoming increasingly infected by the germ of tuberculosis, and there is hardly one house in Puri which is immune from infection. Even a healthy person shudders to think of going to Puri. Sir, we have important sanitoria in Bengal, such as Darjeeling, Kurseong and Kalimpong. If one of these places is reserved for the purpose, I think the popular demand can be effectively met. I do not know whether Mr. Narendra Kumar Basu has referred to another important aspect of the question: it is a question which should engage the immediate attention of Government as well as of this House. On account of the absence of a suitable place for the accommodation of the tubercular patients, health resorts like Darjeeling, Kalimpong and Shillong are also becoming gradually infected. It is, therefore, a source of great danger to the healthy people who really hesitate to go to such places for a change of climate. The want of such a sanatorium is keenly felt. Patients suffering from tuberculosis are now scattered all over the country. There is no arrangement for their segregation. That is why it is very necessary to have a separate climatic sanatorium for tuberculosis patients in Bengal. I do not find words adequate enough to impress upon the House and the Government the imperative necessity and urgency of a question like this. Of course, the Hon'ble Minister may say that he has not got adequate funds at his disposal to enable him to initiate a scheme of this nature in the immediate future; but, Sir, as has been pointed out by the mover of the resolution and Mr. P. N. Guha, if Government will realise the urgency and importance of the question, I do not think it will be difficult for them to find money in the budget. Sir, it may be a costly affair to establish a separate sanatorium either at Darjeeling or at Kalimpong, but there are places in the Dacca district—villages on the banks of the Padma river—where land at the present moment is very cheap and where the climate is also very good. Government might proceed with the scheme of building a sanatorium somewhere in those

places. If a sanatorium is established at a suitable place near Aricha where there is no erosion of the river, I think the object that the mover has in view can be effectively secured. With these words, I wholeheartedly support the resolution.

Nawab MUSHARRUF HOSAIN Khan Bahadur: Sir, this is a resolution which can be supported by every side of the House. My friend Mr. Nareadra Kumar Basu has put before us the harrowing picture of the unhealthy condition of Calcutta and Bengal. He has told us that about 2 per cent. of our population is suffering from tuberculosis. This is a menace which requires to be carefully considered by the people in authority, and he has also mentioned that every province has got its own sanatorium, but unfortunately Bengal, with all her boast for advancement, with all her boast of education, is lagging behind. Is there no remedy for this? Should not the authority rise to the occasion and try to obliterate the shame and disgrace that has come over to Bengal? Should we not be a little more practical now, should we sleep over these things for ever? Should we not rise to the occasion and say from the seats which my three friends are now occupying that they are determined to help the country to rid the people of the pest. They should lose no time or effort to come forward with a definite proposal before this House which is really the custodian of the people's money and the people's right to sanction money for the purpose of establishing a sanatorium. My friends ask for money for the purpose for which the people and the members of this House on my side have little sympathy; but when we are unanimous on one point and when this point is brought before the House, my friends of the Treasury Bench would say that we have no money, we are running a deficit budget, and we are absolutely helpless. But I say they will remain ever helpless: but with all this helplessness they are carrying on merrily and adding to their expenditure, especially in affairs which are not approved by this House—I mean by those members that are representatives of the people. When you think of paying 17 lakhs of rupees to the officers in the teeth of the opposition of the people, cannot you ask for the sake of the health of the people of Bengal an additional demand which we will very gladly pass in this House. But what is the mentality of my friends? Why are they feeling so very shy in asking us to grant them money? We are ready to grant them money. My friends may say that they have no fund. If that is so, how could they pay Rs. 17 lakhs to the various officers of Government? If they are short of funds, the Government of India should be asked to supply it. If the Government of India do not comply with our request then the whole thing would be closed. I believe this is a case which is very important and does not require any legislation. I hope my friends Sir John Woodhead and Sir Bijoy Prasad will rise to the height of the occasion, be bold and say that they accept the resolution, and will lose no time to come forward to ask for a grant from this Council for this purpose.

Mr. F. J. HOMAN: The objects which my friend Mr. N. K. Basu had in view when he proposed this resolution are such as to appeal to everyone. The figures which he has given about the incidence of tuberculosis in Bengal are such as to appall the stoutest heart. At the same time we all know that Bengal is a poor province or at any rate a province which is labouring under grave financial difficulty, and therefore does not want to harass Government in its administration. The available finances have to be stretched to their utmost limit and I do not know whether it will be possible to carry out the suggestion made by my hon'ble friend. At the same time every one must feel that it is necessary to do something to combat this fell disease. The reasons for the spread of tuberculosis in Bengal are perhaps well appreciated, but at the same time perhaps very little is done to combat the disease. Much propaganda is necessary, conditions of overcrowding which lead to the spread of the disease should be improved and the public should be brought to know the steps which should be taken to avoid the incidence of this disease. Well, Sir, I do not wish to take up much of the time of the House; but it did occur to me that a possible solution of this difficulty might be a call upon the Jubilee Fund, but I do not know whether it can be done. A very large sum of money is being collected for charitable purposes, for such very purpose as is proposed by my hon'ble friend, and it may be possible that a call on this fund may be made for the purpose of establishing a sanatorium such as he suggests. I do feel that even if Government are not able to do anything at the present moment, they should bear this matter well in mind and endeavour to meet the wishes of my hon'ble friend and also fall in with the feelings of all of us and endeavour to do something to combat this evil which is now spreading so rapidly.

Mr. P. BANERJI: Sir, I rise to support the resolution moved by my friend Mr. Narendra Kumar Basu. There cannot be two opinions about the utility of such a sanatorium particularly in Bengal. The number of these tuberculosis cases is appalling in Bengal: it comes next to malaria. In Bengal we have only one small sanatorium in the suburbs of Calcutta, viz., the Jadabpur Institution, where an attempt is being made by a few philanthropic gentlemen of Calcutta to fight this disease. Up till recently Government have done nothing for this institution, but I am glad to find that only this year they have made a provision of Rs. 12,000 in the budget for a grant to this institution. Rai Bahadur Keshab Chandra Banerji has said that the establishment of a sanatorium for tuberculosis patients will no doubt require the expenditure of a huge sum of money. But my friend Mr. Basu had already pointed out that there was a gentleman who was willing to pay Rs. 3 lakhs for the purpose. As has been pointed out by Mr. Homan, the necessity for such a sanatorium in Bengal is very great. If the Government are really bankrupt to establish a sanatorium like the one suggested in the resolution, I believe there will

not be any lack of funds to be subscribed by the public for the purpose, provided the Government intimate their willingness to do something for the helpless people of Bengal so far as this scourge is concerned. It has been pointed out that when we go out for a change, it is very difficult—and we have it particularly from the experience of Mr. P. N. Guha in Puri—to secure a single house where we can go to without risking our lives, because these patients go to almost all the sanatoriums and spoil the atmosphere of those places without any material gain to their own health. Therefore, if medical opinion is in favour of the proposal, a sanatorium, as suggested by Mr. Narendra Kumar Basu, shuld be established either at Kalimpong or Kurseong or on the riverside at Goalundo, and Government should provide funds for the purpose.

Mr. PRESIDENT: Before I adjourn, I might tell the House that I shall allow the discussion of this resolution to be continued right up to 7'oclock.

(The Council was at this stage adjourned for 15 minutes.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. President, Sir, at the outset I must congratulate Mr. Basu for having once more drawn the attention of this House to this important question, namely, the control and cure of tuberculosis in Bengal. There is no doubt that it is one of the serious menaces with which this Province is faced, but it is by no means the only menace so far as Bengal is concerned. As the Hon'ble Members are only too well aware, Malaria, Tuberculosis, Cholera, Leprosy, Beri-beri, Kala-Azar are all very serious menaces and Government have got to take steps against them all according to the means at their disposal. It is not possible, nor do I think it desirable that Government should take a hasty step in this matter. They must proceed slowly, and cautiously but surely, and take effective steps, if possible, against all these menaces, or at least against some. Sir, with regard to tuberculosis I think it will be admitted that prevention is better than cure. That is the policy which Government propose to encourage and with that object in view they have been contributing Rupees ten thousand annually to the Tuberculosis Association for intensive propaganda work. (A VOICE: It is two small a sum.) I can assure you that the Tuberculosis Association has been carrying on very useful work. In fact, during the last year they held several cinema shows, delivered several lectures for the prevention of the disease and for educating the Public how to stop the spread of this contagion. That is what is necessary. Sir, as Mr. Basu has said, at the present moment there are about thirty thousand tubercular patients in Calcutta and about eight hundred thousand in the whole of this Province. About thirty thousand, I think that is the correct figure for Calcutta, but I do not remember the figure for the rest of the Province. From

these figures it is quite evident that if a sanatorium were established it would only touch the fringe of the problem. So, the real remedy lies not in cure but in prevention. The disease can be prevented by better hygienic education and propaganda, and Government are doing all they can in this respect. Public health units that have been established all over the province at a cost of rupees ten lakhs borne entirely by Government also carry on the same work, viz., propaganda. Propaganda is done not only against tuberculosis but also against other epidemic diseases, such as malaria, cholera, small-pox. Sir, I hope the House will admit that Government is by no means indifferent to the menace of tuberculosis and other epidemics. I can tell you that our Public Health expenditure is much higher than that of any other province in India, even of Madras. Our Medical budget has increased during the last fifteen years by many times; from the region of rupees thirty-two or thirty-three lakhs it has now touched about fifty. That, I should say, taking into consideration the chronic financial stringency from which Bengal has suffered is not an unsatisfactory increase.

Sir, about the offer of rupees three lakhs to which mention was made by my friend, Mr. Basu, I can inform the House that Government have not refused that offer. On the other hand, they are anxious to accept it but there must be a suitable project or scheme. They have appointed a Committee of experts consisting of the Surgeon-General with the Government of Bengal, Col. Stewart, Director of the All-India Institute of Hygiene, Col. Chopra, Officiating Director of the Tropical School of Medicine, and Dr. A. C. Ukil, the Tuberculosis Expert, to examine and to evolve, if possible, a suitable scheme. Probably they will have to visit several places in this province and outside this province to study the conditions in the sanatoria in the other provinces and I hope they are going to do that very soon. So, Government are by no means indifferent to this problem. We are making much head-way but it is very difficult to accept the resolution, as it stands, namely, that immediate steps be taken for the establishment of a sanatorium in Bengal. Sir, in this connection several things have got to be explored: we have to select a suitable place for a sanatorium in this province, taking into account the health, the rainfall, the humidity, accessibility and other facilities necessary for the establishment of a sanatorium. Government will only be too glad to take advantage of public sympathy for stamping out a menace like this. If a suitable scheme can be framed, I am sure they will look to the public and to the local bodies for full co-operation and financial assistance, but at the same time I would like to impress upon the House the fact that they cannot possibly give any assurance, here and now, that sanatorium will be established. In view of the great financial stringency of this province they are not in a position to do so. But I hope that, in view of the steps that have already been taken, and the sympathy which Government undoubtedly have for

eradicating this disease, my friend opposite, Mr. Basu, will not question the *bona fides* of Government in tackling this problem of tuberculosis and I trust that he will kindly withdraw his resolution.

Maulvi TAMIZUDDIN KHAN: Mr. President, Sir, the Hon'ble Minister in his reply seems to have complained that the mover of the resolution named only one fell disease, namely, tuberculosis and left out so many other dangerous maladies that affect Bengal. He has himself made mention of Malaria, Cholera, Kala-Azar and a host of other pests but he also, I think, has failed to name one which is similar to tuberculosis, I mean, terrorism. Terrorism and tuberculosis are the two enemies of Bengal at the present day. (A VOICE: "Is terrorism a disease?"). Yes, terrorism is a disease of the body politic, whereas tuberculosis has its victim in the human body. The *modus operandi* of both these enemies are very similar; both are insidious in character and they attack their victims unawares. But look at the Government's way of dealing with these two enemies of Bengal. Whereas Government is prepared to spend its last farthing for the eradication of terrorism it is only lukewarm in the sympathy which it is prepared to give to the proposals for combating tuberculosis. The Hon'ble Minister says that the policy of Government in this respect is one of prevention rather than of cure. I think the whole thing moves in a vicious circle. To my mind cure is the best way in which the disease can be prevented. Segregation is no doubt necessary, but that is only a corollary to any method that may be adopted for curing the disease. Therefore, the question of curing the present sufferers is also a thing which the Government cannot neglect. The Government is not happily altogether indifferent. But it raises the old question of want of money.. I do not see, Sir, that that should be any reason for Government to oppose a resolution like this. Nowadays we have even to make a show of our financial helplessness to the Government of India for certain purposes. Sir, will it not be a very good show if this resolution is carried in this House but for want of money Government is unable to give effect to it, if unfortunately it is not in fact, in a position to do so? I think from that point of view also it will be a very tactful move on the part of Government not to oppose a resolution like this. I do not at all understand the opposition which has come from the European group to this resolution. Do we or do we not want a sanatorium as proposed in this resolution? If we want it, is there any reason why anything on the non-official benches should oppose such a proposal? Whether Government is in a position to accept it or not, that is an altogether different question. It is the business of Government to consider that. We, the non-official members in this House, can never oppose a resolution like this. The hon'ble member who spoke from the group to my left told us that we should not embarrass Government by passing a resolution like this. On the contrary, I think that we should not be embarrassing

Government but we should rather be helping them by passing this resolution. The Hon'ble Minister has spoken about the offer of rupees three lakhs. It is very re-assuring to hear from him that the offer has not been rejected. What the Hon'ble Minister said is that certain gentlemen have been asked to frame a scheme, "if possible." Sir, we object to the words "if possible". Why, if possible? If Government is serious enough Government can certainly have such a scheme prepared within a short time. I think there will be no difficulty in preparing a scheme on which rupees three lakhs can be spent. I think Government should not be lukewarm in a matter like this as I said in the first instance, but Government should be in all earnest and if it is really earnest I think a tuberculosis sanatorium will be an accomplished fact within a very short time.

Mr. NARENDRA KUMAR BASU: Mr. President, I must confess that I have heard the speech of the Hon'ble Minister with a good deal of amazement, and, if I may say so, with confusion in my mind. I did not really understand what the attitude of Government towards the resolution was from the speech that the Hon'ble Minister just now delivered. Some of the points in that speech have already been touched by my friend Maulvi Tamizuddin Khan, who, by the way, was, I think, wrong in attributing "opposition" to this resolution to Mr. Homan's speech. So far as I could understand Mr. Homan, the attitude of the group he represents is that they are in favour of this resolution but that they are not out to harass the Government in any way. Well, if my resolution is read over once again, it will be seen that it does not aim at harassing the Government in any way. The resolution says that this Council recommends to the Government that immediate steps be taken for establishing a climatic sanatorium for tuberculosis patients in Bengal.

My friend, the Hon'ble Minister, has said that Government are exploring several questions for the purpose of establishing such a sanatorium. Well, if that be so, I think that Government are taking steps towards establishing a sanatorium and that they are doing it. If that be so, I see no reason why Government should not accept this resolution. Thy say that they have already appointed a Committee and that they are exploring possibilities for the establishment of a sanatorium which they want to do. If that be so, I submit that the natural conclusion from the data submitted by the Hon'ble Minister to this House is that the Government have already accepted this resolution. Speaking for myself, I do know that the mills of Government grind slowly and that sometimes when it is to the interests of those who run the Government, they grind exceedingly small. But so far as this matter is concerned, I do take it it is very unkind of the Hon'ble Minister to suggest that because there are several other menaces in the

country, tuberculosis must take its turn. Here, Sir, is a case which does not brook any delay. If you want to save the people, you have got to tackle the problem here and now. It is no use saying that you are spending Rs. 54,00,000 in your medical budget. Rs. 54,00,000 for 50 millions of people! The Hon'ble Minister may congratulate himself on his *huge* medical budget, but that is a matter neither here nor there. We may have to say something about it when the budget is under discussion. If Rs. 54,00,000 be spent on 50 millions of people, what is the amount spent per head of the population? It works out to one rupee for every 10 persons; less than what we have to pay for an individual telephone call to Mr. Thompson, the leader of the European group—it means 1 anna and 6 pies per head. How does that compare with the money spent by the nations in Europe where, as everybody knows, the countries are much more healthier than ours? Well, as I have said, the question is neither here nor there; but I do submit, Sir, that from what the Government have said there is absolutely no reason for opposing this resolution. As has been pointed out, a portion of the Silver Jubilee fund may be diverted for that purpose.

Well, Sir, I am quite sure that if the Government were to raise a loan for the purpose and if the proposal were supported by the Members of the Government, official and non-official, a loan might be raised without any difficulty. Although it will only be touching a fringe of the problem, as has been said by the Hon'ble Minister, I submit it will be taking a very great jump and it will be doing very great useful work for the purpose of combating this disease. All sections of the House, official and non-official, are unanimous in thinking that this is a menace which has got to be faced fairly and squarely.

Sir, talking of funds, we saw in the papers the other day that the Government of India were going to distribute about a crore to different provinces for the purpose of rural uplift. Well, Sir, what better purpose for rual uplift could there be than the purpose of saving the lives of the rural population? The sum of Rs. 10 lakhs or more which our Government will get from the Government of India may very well be diverted for this purpose and this purpose alone.

Sir, as regards the proposal of the donation of Rs. 3 lakhs, I am glad to find that the Hon'ble Minister has not yet rejected the offer. I do not know how long the donor is willing to keep his offer open. As far as I can understand, the only difficulty in accepting this offer is due to the fact that Government will have to give some land from their *khas mahal* in Kalimpong, which Government are unwilling to do—

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I may correct the hon'ble member by saying that it is not a fact.

Mr. NARENDRA KUMAR BASU: Sir, I am glad to learn that it is not a fact. I expected a contradiction and I am glad that I have

got it, because when I heard that this was one of the reasons which stood in the way of Government accepting the offer, I was loath to believe it because I thought that even the Bengal Government could not be so mean. I am very glad that it is not true and I hope that their experimentations (*sic*) and their researches will bring forth something tangible in a short time. In the meantime I hope that having regard to the steps that Government say they are taking, they will accept this resolution, and that if they do not, the House will carry it unanimously.

Mr. Narendra Kumar Basu's motion was then put and carried.

Mr. PRESIDENT: (It being 6-50 p.m. of the clock) I think the House will agree with me that it is no good taking up any other resolution now, as this is the last day available for dealing with resolutions.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 7th March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 7th March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 93 nominated and elected members.

Oath or affirmation of allegiance.

The following members made an oath of their allegiance to the Crown:

(1) Mr. F. A. Sachse, C.I.E., I.C.S.

(2) Rai Bahadur Shailendra Nath Banerji.

STARRED QUESTIONS

(to which oral answers were given)

Representation of scheduled castes on Calcutta Corporation.

*53. **Babu AMULYADHAN RAY:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether Government have received report of the third Annual General Meeting of the All-Bengal Depressed Classes' Federation held at Bongaon on the 8th October, 1934?

(b) Is it a fact that the said third Annual General Meeting adopted unanimously a resolution regarding its considered opinion that the Calcutta Corporation is the monopoly of the caste-Hindus who are guilty of wilfully neglecting and even opposing the claims and interests of the scheduled castes and emphatically urging upon the Government to secure their representation by nomination till the Calcutta Municipal Act providing separate electorate for them, is amended?

(c) Is the Hon'ble Minister aware that there is no representative, elected or nominated, representing the scheduled castes in the Corporation of Calcutta?

(*d*) What is the population ratio of the scheduled castes to the total caste-Hindu population in the city of Calcutta?

(*e*) Have the Government taken any action on the resolution referred to in (*b*)?

(*f*) If the answer to (*e*) is in the affirmative, what action has been taken?

(*g*) If no action has yet been taken, what are the reasons?

(*h*) Do the Government propose to take any action on the said resolution?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) A resolution to this effect is included in the report mentioned in (*a*).

(*c*) It is understood that one of the elected Councillors of the Corporation is a member of a scheduled caste.

(*d*) The ratio is 3 to 20 according to the census of 1931.

(*e*) to (*h*) In view of the fact stated in the answer to (*c*) it has not been considered necessary to nominate a member of a scheduled caste as such.

Babu AMULYADHAN RAY: With reference to answer (*c*), is the Hon'ble Minister aware that the gentleman in question is a Congress nominee and does not at all represent the scheduled castes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have yet to learn, Sir, that if a person is a Congress nominee, he ceases to be a member of the scheduled castes.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to question (*b*), will the Hon'ble Minister be pleased to state whether or not the language is deliberately offensive?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is a matter of opinion, Sir.

Mr. NARENDRA KUMAR BASU: With reference to question (*b*), will the Hon'ble Minister be pleased to state whether by their answer to that part of the question, Government in any way endorse the views mentioned in question (*b*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly not.

Babu AMULYADHAN RAY: With reference to answers (*e*) and (*h*), will the Hon'ble Minister be pleased to state whether it was found necessary to nominate so many Hindus other than those belonging to the scheduled castes simply because they were caste Hindus?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, they were appointed not because they were Hindus or Muhammadans, but purely because they were considered to be the fittest persons.

Babu AMULYADHAN RAY: Was there any candidate from the scheduled castes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The question did not arise.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Superintendent, Campbell Medical School.

28. **Khan Bahadur MUHAMMAD ABDUL MOMIN:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) how many surgical operations have been performed by the present Superintendent of the Campbell Medical School during the period he has been in charge of the hospital;

(*ii*) how many of them were major operations and with what result;

(*iii*) how many medical cases have been treated by the Superintendent during the above period; and

(*iv*) whether the Superintendent gives any clinical lectures to the boys of the school or takes any classes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*i*) Four.

(*ii*) One. The result was satisfactory.

(*iii*) Under rule 3 of the rules for the management of the Campbell Hospital, the Superintendent has direct charge only of the European paying small-pox wards and medical cases are not therefore actually treated by him except in the above wards. He, however, supervises the treatment of special cases including cerebrospinal fever, cholera, small-pox, tetanus, children's diseases and all other cases of special interest and advises the physicians and surgeons under him whenever necessary.

(*iv*) The Superintendent's duties are mainly administrative. He, however, takes a share in the operation and clinical work of the hospital. He is not required under the rules to give any clinical lectures or to take any classes.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state how long the Superintendent has been in charge of the hospital?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice of this question, Sir.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Albert Victor Leper Hospital Bill, 1935.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Albert Victor Leper Hospital Bill, 1935, as reported by the Select Committee, be taken into consideration.

The motion was put and agreed to.

The motion that clauses 1 to 4 do stand part of the Bill was put and agreed to.

Clause 5.

Maulvi ABUL QUASEM: Sir, I beg to move that in clause 5 (*2*), lines 2 and 3, for the words "property and funds," the words "funds and property" be substituted.

Sir, this is merely a drafting amendment. The words "funds and property"——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I intervene at this stage? In view of the fact that the next amendment is going to be accepted by Government, it is not necessary to move this amendment.

Mr. PRESIDENT: I think, Maulvi Sahib, you better move all your amendments, and then Government might accept any one of them, if they so desire.

Maulvi ABUL QUASEM: Sir, I would like to move my first two motions together, and then I shall move the third amendment separately, as it deals with an entirely different matter.

Mr. PRESIDENT: All right.

Maulvi ABUL QUASEM: Sir, I beg to move that in clause 5 (2), line 4, the words "moveable or immoveable" be omitted.

In view of the assurance given by the Hon'ble Minister I would not make a speech on these motions, and as Government is willing to accept my second motion, I should like to withdraw my first motion.

The first motion was then, by leave of the House, withdrawn.

The second motion was put and agreed to.

Maulvi ABUL QUASEM: Sir, I beg to move that in clause 5 (2), line 13, the word "any" before the words "other trust funds" be omitted.

Sir, the word "any" is unnecessary, because it is followed by the words "if any." That is why I have suggested the omission of this word.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are prepared to accept the amendment.

The motion was put and agreed to.

The motion that clause 5, as amended, do stand part of the Bill was then put and agreed to.

The motion that clauses 6 to 8 do stand part of the Bill was also put and agreed to.

Clause 9.

Mr. S. M. BOSE: Sir, I beg to move that in clause 9, in lines 4 and 5, the words "existing at the date of the commencement of this Act" be omitted.

Sir, there is no reason why the sum of Rs. 5,000 should be at all earmarked for repairs to buildings existing on the date of the commencement of this Act. It is said that unless these words are put in there, the authorities may be tempted to spend all this Rs. 5,000 on repairs to new buildings neglecting the old ones. But, Sir, I beg to draw the attention of the House to the fact that out of the 15 Trustees 12 are either appointed or nominated by Government, and I do think that Government should have some trust at any rate in these 12 men and would not expect them to behave in an unworthy manner. When the buildings are very old, they may be dismantled, and new ones may be erected in their place. It would be absurd to expect the Trustees to spend Rs. 5,000 on buildings which stood at the time the Act was not

in force, but which were subsequently replaced by new ones. I see no reason why these words should occur, and I move that these words be omitted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are prepared to accept the amendment.

The motion was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the second proviso to clause 9 be omitted.

Sir, the second proviso limits the scope of the first proviso. So, Government have decided to omit the second proviso.

The motion was put and agreed to.

The motion that clause 9, as amended, and clauses 10 to 19 do stand part of the Bill was then put and agreed to.

Maulvi ABUL QUASEM: Sir, I should like to move the amendment that stands in my name but in a slightly modified form. The amendment I wish to make extends only to the omission of one or two words or phrases, and no addition is proposed to be made. In line 1 of my printed amendment I should like to omit the words "or other legal proceedings," and the words "or proceeding" wherever they occur in subsequent lines.

Mr. PRESIDENT: Would you read your modified amendment, Maulvi Sahib?

Maulvi ABUL QUASEM: Yes, Sir.

Sir, I beg to move that for clause 20, the following be substituted, namely:—

of the etc. "20. No suit shall be instituted against the Board or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any such officer or servant, in respect of any act done or purporting to be done under this Act or any rule or regulation made hereunder or in respect of any alleged neglect or omission to perform any duty enjoined by this Act until the expiration of one month next after notice in writing has been delivered or left at the office of the Board or at the office or place of abode of such officer or servant, stating the cause of action, the name and place of abode of the person who intends to institute the suit and the relief which he claims and the plaint must contain a statement that such notice has been so delivered or left;

and unless, such notice be proved, the Court shall find for the defendant.

(2) Every such suit shall be commenced within six months next after the accrual of the cause of action; and not afterwards.

(3) When the suit is for damages, tender of amends, if any, made before the suit is instituted may, in lieu of or in addition to any other plea, be pleaded. If the suit was commenced after the tender or is proceeded with after payment into Court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, the defendant shall be entitled to full costs of the suit after the tender or payment."

Sir, I have only tried to improve this clause by my proposed amendment. What I have suggested in this amendment is not a new thing; it finds a place in the Bengal Municipal Act, the Calcutta Improvement Trust Act, and the Doveton Trust Act. The additional conditions that I want to impose go to make the provisions contained in this particular clause full and complete, and are intended to make the protection afforded to this purely benevolent Trust from harassing and costly litigation real and effective without interfering with and prejudicing any right of suit any person may have against the Trustees. Sir, I understand that Government is inclined to accept the modified amendment I have moved, and I have, therefore, no desire to add anything further.

Mr. A. deC. WILLIAMS: Sir, in view of the fact that the hon'ble member has improved his original amendment by omitting the words "or other legal proceedings," and has also thereby removed certain inconsistencies, Government have no objection to accepting the amendment as moved.

The modified amendment was then put and agreed to.

The motion that clause 20, as amended, do stand part of the Bill was put and agreed to.

The motion that clauses 21 and 22 do stand part of the Bill was then put and agreed to.

The Schedule.

Mr. A. deC. WILLIAMS: Sir, I beg to move that in Part II of the Schedule for the words "and east" the words "on the east" be substituted. This is to rectify a printing mistake that I have moved this amendment.

The motion was put and agreed to.

The motion that the Schedule as amended do stand part of the Bill was also put and agreed to.

The motion that the Preamble do stand part of the Bill was also put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Albert Victor Leper Hospital Bill, 1935, as settled in Council, be passed.

The motion was put and agreed it.

The Bengal Development Bill, 1935.

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to move that the Bengal Development Bill, 1935, be referred to a Select Committee consisting of—

(1) Maulvi Abul Kasem,
(2) Babu Jatindra Nath Basu,
(3) Mr. W. H. Thompson,
(4) Khan Bahadur Muhammad Abdul Momin, C.I.E.,
(5) Mr. Narendra Kumar Basu,
(6) Mr. H. S. Suhrawardy,
(7) Babu Jitendralal Bannerjee,
(8) Mr. Sarat Kumar Roy,
(9) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,
(10) Mr. D. J. Cohen,
(11) Rai Bahadur Satya Kinkar Sahana,
(12) Khan Bahadur Maulvi Emaduddin Ahmed,
(13) Maulvi Tamizuddin Khan,
(14) Babu Sarat Chandra Mittra,
(15) Munindra Deb Rai Mahasai,
(16) Babu Amulyadhan Ray,
(17) Mr. Hashem Ali Khan,
(18) Mr. H. P. V. Townend,
(19) Mr. J. D. V. Hodge,
(20) Mr. F. A. Sachse, C.I.E.,
(21) Rai Bahadur S. N. Banerjee, and
(22) the mover,

with instruction to submit their report by the end of June, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be seven.

The object of this Bill is clearly explained in the Statement of Objects and Reasons. It is intended to place Government in a position to undertake the enormous task of bringing back to prosperity and to health the decadent areas of Bengal—by restoring the flow of dead rivers, by constructing works for controlled irrigation and by arranging for drainage, usually in combination with irrigation. Every member of the House has more or less knowledge of the problems presented by the decadent areas; and probably there is agreement that the remedy lies in the measures which I have mentioned. It is a problem which for years past and on countless occasions has been the subject of

questions, resolutions and speeches. Government have again and again been asked why nothing has been done to grapple with the problem: it was of such obvious urgency and the remedy was after all so simple: enthusiasts could not comprehend why any Government should hold back from inaugurating measures which so obviously were bound to bring prosperity and hope to the people. To such demands Government have again and again been compelled to reply that the remedy, though simple, was expensive and that there were no funds; irrigation schemes in Bengal have never paid, and the new schemes demanded were as a rule of a type which could not even be expected to be self-supporting: each scheme would be a burden on the provincial revenues: and the province could not afford it. This attitude was the only possible one on the assumption that there was to be no radical change of method. Radical changes are not lightly adopted: people will not accept them in normal times: and it is possible that but for the pressure of the world slump, which has led to radical changes all over the world, Government would not have ventured to put these present proposals forward. There is nothing in them which will harm anyone, but they demand a new outlook towards State schemes. They postulate that individuals in particular localities shall no longer look upon the benefits derived from State works as benefits to which individual have a natural and obvious right, and that, instead, the people of Bengal, as represented by the Government of Bengal, should be recognised as having the first right to those benefits. In an active and progressive community there may be a lot of truth in the argument that the individual can put wealth to better use than the State; but this is far from being true of people who are backward because they live in decadent areas and can be made progressive only by a long continued and systematic campaign conducted by the State. The natural advantages of the province should be used for the benefit of the province and not of individuals: the profit from work done at the cost of the State should in great part accrue to the State and not be engrossed by individuals: and the development of the community should be placed before the enrichment of individuals. It is not that the individual will be deprived of anything if this Bill is passed: the proposal is rather to give a great deal to him, but not to give as much as he would take if he could, or as much as he has in the past always considered to be his natural due.

The areas which might be improved if the Bill passes were at one time very fertile: they include land which was considered the most fertile in India and comparable to the most fertile in the world. They were fertile while they received silt from the spill of the rivers, and our belief is that they will recover fertility if they are again given silt water. It is certain that in most places it will be a very costly matter to lead silt water again over the land: but it is believed that the

increase in fertility will be great enough to allow the cost to be met, if the powers asked for are given to Government. Enormous sums of money will be required: but enormous sums of money can be found, as Sir Arthur Cotton pointed out some 90 years ago, by converting the river water into money instead of letting it run untouched into the sea. The Government of Bengal believe that this can be done if the scheme set forth in the Bill is adopted. The scheme is simple. It is proposed that, when Government have improved the outturn of land, they should be allowed to take back for themselves not more than half the net increase. It seems a fair proposition—"I shall give you a rupee if you give me back eight annas"; and it seems scarcely reasonable for a man to reply—"I shall not take the rupee unless I am allowed to give back only four annas, or two annas: and if it is a choice between getting eight annas and getting nothing, I would rather have nothing." Yet in effect that is what is said by people who urge that Government should be allowed to charge only the bare cost of irrigation works or even less. In the past such people have had their way: the idea has always been to watch jealously that Government should not recover more than the bare cost of irrigation or drainage schemes: and the effect is that Government have not recovered even the bare cost, that the individuals in certain localities have benefited and that the State has been put to loss. This really means that individuals in other localities have been put to loss: because, when every new scheme of improvement threatens to be a new burden on the provincial revenues, new schemes are not taken up. At present every scheme accepted for improving a particular area is a scheme for retarding the improvement of all others: but on the principle embodied in the Bill every scheme accepted for improving a particular area will be a scheme for expediting the improvement of other areas, because the provincial revenues would be the better off for every scheme successfully undertaken. If any scheme resulted in loss, it would be a loss due to miscalculation or a temporary loss accepted deliberately in order to secure an ultimate compensating benefit: and neither would be a barrier to further progress. The justification for a change of method is that the old methods have landed Bengal in its present position: the justification for the particular change now proposed is that no one has proposed any other—or any other which offers prospects of success. In the past the laws that were meant to allow of improvements in irrigation and improvements in drainage, simply have not worked. Is it unreasonable to suggest that they have not worked because they have been unworkable? And that they are unworkable because they are based on principles not suited to Bengal conditions? What is proposed in this Bill is to extend to Government advantages which are already accorded, without question, to landlords. When a landlord spends money on improving his land, he is allowed to put up his rents so as to recover part of the benefit: and when (without his spending anything) fluvial action increases the

productive power of his land, he may claim up to one-half the value of the net increase in the produce, in the form of enhanced rent. It is therefore not demanding anything extraordinary to propose for Government the right to recover in the shape of a special levy not more than half the net increased profit, when they have, at the cost of the provincial revenues, improved the productive power of the land by controlling fluvial action, by irrigation or by drainage or in any other way. To extend this principle to profits other than those derived from an increase in the produce is merely to be fair to all concerned. There is no justification for recovering from the man who may cultivate the land and for letting off the man who gets profits otherwise from it.

It will be seen that the Bill proposes not only to compel people to pay up to half of their increased profits, but to compel them to make increased profits by taking advantage of the improvements. There is every justification for this. It is certain that by the application of silt water, the land can be improved enormously and the health of the people be improved at the same time: it is certain, too, that this cannot be done unless people pay for the improvement, which means under the present system unless they come forward to take the water and offer to pay for it: and it is certain from the whole history of irrigation in Bengal that they will not do this in normal years. Last year the rains were normal in the Damodar Canal area: people did not take the canal water and the loss amounted to five and a half lakhs. This year the rains were bad, and people came forward at the last possible moment begging for water. They treat an irrigation system as an insurance against a failure of the monsoon: but it is impossible to finance irrigation works by recoveries only in years when the monsoon fails: and if people regard irrigation works as an insurance, they ought to pay every year for that insurance. It is not unreasonable to argue that people who possess land are under a moral obligation to society to develop that land in the best possible way: and in the malarious tracts of the delta when anyone refuses to take advantage of flood irrigation he is actually encouraging malaria: he is refusing to help towards eradicating it. But there is no need for me to labour the point: if individuals were allowed to stand out, the schemes simply would not work. The Bill proposes that if anyone wants to indulge in the luxury of keeping land undeveloped, he should at any rate pay at the same rate as the man who co-operates in the improvement by cultivating his land: and this can scarcely be considered a harsh measure.

There are two comments which may be made about the proposal that Government may recover not more than half the net increase: and both have already been made outside this Chamber. The one is that Government would in this way recover too much: and the other is that Government would not recover enough to be able to finance the schemes. The former of the two depends on the assumption that the individual has a

moral claim to the benefit which may accrue from an improvement paid for by Government and that Government should not recover more than the bare cost of construction and upkeep of that. I have already touched on this assumption. It is based on pure logic or no logic. The idea that cultivators ought to be given water at less than the cost of the works was condemned by the Report of the Irrigation Commission appointed under Sir Colin Scott Moncrieff by the Government of India in 1901; they said roundly that there was no more reason for calling on the general tax-payer to pay for increasing by irrigation the produce of any person's land than for calling on him to pay for supplying another man's land with manure, and they declared——

"The maximum permanent charge which the State may reasonably undertake in providing irrigation should theoretically be limited by the share of the increase in the value of the produce due to irrigation which it will be able to recover."

The Taxation Inquiry Committee laid down very definitely the principle that the State was entitled to recover not only the full cost of irrigation works but a substantial share of any increased profits. They stated the position as follows:—

"The result of the action of Government in guaranteeing the supply of water is to give a large unearned increment to the owner of the land whether he is a cultivator or a rent-receiver, and it is a generally accepted theory of taxation that there is no source of income from which a considerable share may be taken for purposes of the State as appropriately, as from an unearned increment or windfall of this kind, especially when it arises from the action of the State."

The view that Government is not justified in recovering more than the cost is equivalent to the view that the agency which earns the increment has no claim to it and that the person who has not earned the increment is morally entitled to it. It has been argued that the water of the rivers is God's gift to the people. I do not say that this is untrue: but I do not believe that the water of the rivers is God's gift to certain individuals over whose land that water has been brought at the cost of the people of Bengal, that is, of the general tax-payer. Government have every sympathy for the cultivator, for the man who actually cultivates the land: but they do not see why, when Government funds are devoted to increasing the productivity of the soil, Government should refrain from taking their full share of the increase or allow men who are now cultivators to utilise that share for the purpose of ceasing to be cultivators and for making themselves rent-receivers. For that would tend to happen: the cultivator who found himself with a sudden large margin of profit would at once sublet, if he could find a tenant: and his sons would cease to regard themselves as cultivators at all. It must of course be realised that "not more than

half the net increase" is a maximum. In areas where cultivators have been making a livelihood from land which gives a small yield, it is obviously possible for them to pay up to half the net increase and to be a good deal better off than before: but in areas where land has gone out of cultivation, where the yield has been too small to support the cultivator, probably Government would not be able to take so much. There would have to be a full inquiry before the rate of any improvement levy was fixed: and the idea would be to fix it at such a rate as to leave the payer substantially better off. The improvement levy would not be a tax in the ordinary sense: but so far as it could be called a tax it would be, in the words of a local newspaper, "what every Government is looking for—a tax that will hurt nobody and benefit everybody."

The second comment that "not more than half the net profit" may be insufficient to meet the cost of improvement works is difficult to answer. There are areas of which it may be true: but the works in those areas are not really such as are contemplated in the Bill and could not be financed as proposed in the Bill. If the improvement effected by any work is not so large that half the profit from it will suffice to meet the cost, it will have to be paid for in some other way or have to be left undone. But as applied to other areas, the comment embodies a truth on which it is impossible to lay too much stress. Most members of the Legislative Council will remember the controversy when Sir William Willcocks in 1930 advocated schemes of the kind contemplated in this Bill: but they may not realise that the real point at issue was, not whether the schemes would be beneficial or whether they would be practicable, but whether they would be practicable at an economic cost. On this point there can be no doubt. Sir William Willcocks was shown to have altogether underestimated the cost of the works suggested or to have omitted safeguards which would be absolutely necessary and extremely expensive. It is impossible within the limits of a speech to give a list of the works of improvement which might become possibilities if the powers asked for are given to Government: but a pamphlet describing them has been prepared and has been put in the hands of the members. In general, the position is that the works will be very costly and Government cannot venture upon them if there is not a wide margin of safety: it is believed that the scheme of this Bill will afford such a margin, but it may not do so always: where there is a surplus, it can be spent on measures essential for the development of the countryside. If all goes well and if (as is hoped) there is brought about a general revival of the decadent areas, by schemes each of which gives a surplus, the Government of the day might perhaps reduce the rates of the levy. But there is no sin in having improvement schemes which pay handsomely: in 1931-32 in the Punjab the Lower Bari Doab Canals paid 10 per cent. and the Lower Chenab Canal gave a return of nearly 42 per cent. It would be a matter for congratulation if the Bengal Government could produce results like these;

and, if they could, there would be no limits to the progress which could be made in the development of the province.

There are provisions in the Bill which are intended to reduce the cost of the various works or rather to prevent various interests from profiteering, at the expense of the public, on the strength of such works. Among these are the clauses dealing with compensation. Many members of the House are aware that in various parts of Bengal there have been substantial encroachments on the beds of dead rivers. When the time comes to revive these dead rivers, Government will be faced with enormous claims for compensation: it is impossible to estimate what these will be: but it is quite likely that their total would be such as to make it impossible to pursue the project at all. There are examples of this in the past. After the great Burdwan fever epidemic, there was a general demand for the flushing of the Hooghly rivers with water from the Damodar river: people needed drinking water and believed that the shutting off of the Damodar spill was the cause of the fever. Work was actually started: the Kana Nadi was actually filled with water in 1874 amid popular rejoicing: and at once people started up, claiming compensation for the value of the bed of the Nadi. The claims were found to be legal: there was not sufficient money to pay compensation for the beds of all the deserted streams: and the whole project of flushing then dropped. The result has been that the area concerned relapsed into the state of malaria and depression from which now again it is hoped to raise it. Government want power to discriminate when compensation is claimed: they do not wish to refuse compensation to people who suffer real injury when water is again sent down the channels of dead rivers: but very often people who would really be gainers from the improvement would have a technical right, as things now are, to compensation as well. Again, if the dead rivers were revived, they would be dangerous as other live rivers are. Suppose that there was torrential rain at a time when once dead rivers had been filled with water, from the Ganges perhaps, for flood-flushing the land: the rivers might become raging torrents and do great damage along their banks. As things are now, people whose land was thus damaged might come down on Government with claims for compensation, because if the rivers had been left dead they would not have been able to do harm. If there were such a risk to be faced, it would be impossible to take up the schemes at all. But there is no reason why the people of the decadent areas should not only have the rivers revived but also be guaranteed against flood risks. In areas where the rivers are alive people have to stand the risk of floods, and so also should the people of areas where the rivers are now dead. If private rights are a barrier to the revival of decadent areas, they ought to be modified.

It is to be noticed that the Bill does not specify the classes of persons who will be liable to pay the improvement levy: it leaves this to be

determined by rule. In this it follows the precedent of the Northern India Canal and Drainage Act, on a section of which, originally, the relevant clause was based. Conditions vary enormously in different parts of Bengal and the area in which it is hoped to work this Bill is very large: it would therefore be very difficult to state in a Bill precisely what classes of persons ought to pay the levy. There is a danger, in any such attempt, of allowing persons to escape payment who should logically be assessed and of causing hardship to persons who have not had real benefit from the improvements. So it is intended to determine after the full enquiry, when any area is taken up for improvement, what particular classes in it ought to be assessed. The improvement levy is to be paid out of the profits due to the improvement: and so it should be paid by the person who gets the profit. The person who gets the profit out of an improvement should be the person whose work or enterprise enables full use to be made of the improvement. Where the productivity of land has been increased, therefore, the cultivator of the land, or the person who is in a position to cultivate the land if he chooses, ought to pay the levy. That does not necessarily mean that the *raiyat* should pay. The landlord or the tenure-holder should pay on cultivable land held *khas* by him: he could cultivate it through hired labourers or could let it to tenants. The *raiyat* should pay on the land which he cultivates himself or similarly should pay on the land which he holds. As to the *bhagchasi* it will be necessary to see that the man whose land he cultivates (whether *zemindar*, tenure-holder, *raiyat* or under-*raiyat*) does not foist on to him the whole burden of payment without his enjoying the whole benefit of the improvement: payment in fact should so far as possible be proportionate to the increased profit made. As to profits from non-agricultural land, it will be necessary to see in each case who gets the profits and, for this, special enquiries will be needed. For agricultural land the information given in the settlement records will be a sufficient guide: it must be recognised that the procedure contemplated when an improvement is first imposed will scarcely be feasible unless there has recently been a settlement or a revision of a settlement. Provision for such settlements is not made in the Bill because the necessary powers already exist. It will be noticed that the Bill seeks to preserve, for the person who pays a levy on agricultural land, the increased profit due to the improvement, less only the share taken by Government. It is realised that sooner or later, as has always and everywhere happened in such cases, other interests will probably manage to encroach upon the increased profit. Probably landlords will get some of it in *salami* or even in rent: and some will be taken up in subletting, in sales, or in mortgages. But it is a difficult task to protect persons determined to make common cause with those who wish to deprive them of anything: and all that the relevant clause in the Bill seeks to accomplish is to put a tenant who wants to stand up for his rights in as favourable

a position as the landlord who wants to enhance the rent: it would put him in a good position to fight any civil suit brought for enhancement of rent by a landlord. If a tenant chooses to enter voluntarily into a contract surrendering part of his profits to a rent-receiver, there is no stopping it: evasion of safeguards would be easy.

The scheme embodied in the Bill assumes two things—that there will be an adequate increase in outturn or profits as a result of improvement works and that it will be possible to assess that increase. This question of assessment is of the first importance. It must be recognised that assessment will not be at all easy: and, if adequate powers are not given, the scheme will not work. I deal first with assessment of agricultural land. It would, clearly, be out of the question to ascertain the actual outturn each year from each plot of land. It would equally be impracticable to ascertain in every year the comparative outturn of land that has been improved and of land that has not: for in some years the difference would be very small and in others hardly less than the whole harvest, and so in some years a cultivator would pay only a few annas per acre and in other years nearly half of his total net income. This would be an unworkable method. What, rather, we want to do is to estimate the average outturn before and after the improvement. On the one hand, we would estimate as closely as we could the average outturn from land of each class (high land or low, good land or bad) in different parts of the benefited area. As one of the great benefits of irrigation is to remedy deficiencies in the rainfall, it would be necessary to consider what was the outturn of such land over a series of years before the improvement: for (neglecting the extra benefit of the silt) the improvement should produce regularly the yield which, without the improvement, was possible only in the exceptional bumper years. On the other hand, we should ascertain the outturn which all such land can, and most such land actually will, give after the improvement. The difference between these figures (after allowing for increased costs of handling larger harvests and so on) would be the increase in the outturn. If any cultivator, by exceptional skill or industry, secured a larger crop, the extra benefit, over and above the increase estimated as the normal increase in outturn, would not be assessed: it would be the reward of his enterprise. If the general standard of cultivation were high in any area, however, that would be assumed to be normal and the less energetic or skilful cultivators would be expected to work up to it. The figure would have to differ for different tracts: for they might have a different rainfall. It would have to differ for various classes of land: for rich loam will yield more than sand, and low land will always benefit more from drainage and, usually, less from irrigation than will high land.

As regards the period for which an assessment would hold good, it would obviously be convenient alike for Government and for the assessee

if the rate did not vary too often: but until conditions return to normal, the rate may have to be revised (according to fluctuations in prices) at comparatively short intervals, perhaps every year. This brings me to the question of remissions. It is an integral part of the scheme to grant remissions freely if for any reason (except the fault of the assessee) the benefits expected from the improvement work were not in fact realised—if, for example, land did not get water according to the programme or if there was a pronounced fall in price-levels below that assumed when the rate was fixed. All this work of assessment and remission is bound to be difficult. Problems of all kinds are bound to crop up which we cannot foresee now: and, if the work is to go forward, room must be left for a process of trial and error. Here also, therefore, it is proposed to leave the details to be governed by rules.

As regards non-agricultural land, the levy cannot be calculated as a rule on estimated average. The increase in outturn from agricultural land could always be realised if the occupier chose to cultivate it: but the profit from non-agricultural land would often depend on the chance whether buyers or lessees could be found for the land or the buildings on it. In such a case the State must wait till profits are actually realised before imposing a levy upon them. The levy would thus be imposed on actuals unless there were reason to suppose that the profits were being concealed, and then estimates would have to be made.

Another feature of the Bill which is of the utmost importance is the provision that the civil courts should not interfere. This is an absolute essential. Government cannot contemplate the enormous expenditure which the schemes of improvement would involve if there was a risk that a court might at any stage, on some nice point of law, declare some action illegal and throw the whole, or a large part, of the cost of a scheme on to the provincial revenues. There is always a risk in such matters that a civil court may pass an order which will paralyse administration. There was an instance in Madras in 1889 when the High Court ruled that there was no legal basis for the uniform custom in that Presidency of charging a water rate for any water which was used even though the cultivator had not applied for it, and after an interval of confusion the Madras Government had to introduce a Bill to legalise the practice. In Bengal we have the Magra Hât Drainage Scheme which should have paid for itself but which has to a large extent become a burden on the provincial finances as a result of a series of suits filed in the civil courts. Evidence before the Irrigation Committee showed that one reason why the Agricultural and Sanitary Improvement Act of 1920 did not work was the "risk of interference by the civil courts." The mere risk of something being declared illegal may be fatal to improvement schemes. In technical matters there is always a danger that a court may give a decision of which it does not comprehend the exact effect, for lack of local experience and technical knowledge. But apart from the danger of a decision of this

kind, there is the risk that a large number of civil suits may be filed simultaneously. If that happened, it might be dangerous to press on with a scheme, when an adverse decision would mean its financial failure: but to wait till a decision could be obtained might well mean financial failure also. On big projects, interest during construction mounts up with alarming rapidity and, unless the works are pushed on and brought quickly to the productive stage, the interest payable on arrears of interest upsets all calculations and makes an otherwise sound scheme a failure. These are risks which cannot be faced by a province in the financial position of Bengal: and it therefore appears imperative (if the decadent areas are to be revived) to avoid them by providing for special appeal-authorities to deal with all disputes about these schemes. These disputes might be of any degree of importance: with some the ordinary revenue authorities would probably deal satisfactorily: for others, *ad hoc* authorities might have to be created: it would depend very largely on the nature of the scheme, and this also it is therefore proposed to settle by rules.

The Statement of Objects and Reasons has emphasised the fact that the Bill is also intended to apply to areas where schemes of improvement have only recently been carried into effect. This refers particularly to two schemes—the Bakreswar Canal recently completed, and the Damodar Canal system which is still under construction. The former was expected to bring in Rs. 46,000 a year in water rates: but the actuals in 1933-34 were only Rs. 13,710 and the revised in 1934-35 only Rs. 16,150. The loss (excluding interest on arrears) was estimated for 1933-34 at Rs. 19,000 and for 1934-35 at Rs. 14,250: it may be taken as a fact that, on the present basis, the canal will never pay its costs. The Damodar Canal in 1933-34 (excluding interest on arrears of interest) lost Rs. 5,56,000: and in 1934-35, in spite of the exceptional demand for water owing to the failure of the rains, the loss will probably be in the region of Rs. 3 lakhs. In estimating the success of the Damodar Canal as a commercial undertaking, it is necessary to reckon interest on arrears: and, when these are taken into account, the canal will never pay on its present basis. Now, it cannot be expected that any Finance Member or Finance Minister will agree to our launching out on costly schemes of irrigation, or that the Government of India will sanction the necessary loans, if irrigation works recently constructed show a loss which could by any means be avoided. If we can by any means make them a source of profit instead, it is our duty to do so: and therefore if this Bill becomes law, it will probably be necessary to apply it to the Bakreswar Canal and the Damodar Canal areas. There is no reason why these tracts should be irrigated at the expense of the rest of Bengal: and there is no reason why, if the principle of the Bill is approved, it should not be applied there too. There are two factors to be considered: First, all land in the canal area would pay towards the cost of the works: and secondly the crop-cutting experiments (to which a reference is made in the pamphlet to be distributed to members) show conclusively that

in the Samodar Canal area irrigation gives a very substantial increase. This does not refer to the fact that (as remarked by the Collector who flew over the tract in an aeroplane) "the irrigated area stood out from the surrounding barrenness"; it refers to figures of yield. The average yield of 469 plots transplanted by the end of the first week of August was 29·00 maunds per acre: and this included results from plots for which water was not asked till the cultivators were forced by the drought to take it and plots in villages which could not be watered properly because the distributary channels had not been completed and the canals could not be worked to full capacity. If the improvement levy would yield more than the present water rate, it would prove the advisability of imposing it: if it would not, then the rates would be less than they are now. On the facts now before Government there would seem to be a strong case for imposing it: but, naturally, the persons interested would, under the provisions in the Bill, have an opportunity of urging any objections that may exist. I may add that, if an improvement levy is imposed in these areas, cultivators who have agreements with the Irrigation Department would be given the benefit of the rates fixed in those agreements, until these expired; this would be done by applying the power to grant remissions.

Before I close, I must touch on one more point. Few Bills have received a more hearty welcome than this from the Press: but there is one criticism which has been repeated in several papers, and which, if true, would be fatal. I refer to the suggestion that the Bill is not intended seriously: as one influential paper says—"The public have an idea that it is not so much the purpose of Government to do good to the public as by a show of empty sympathy to win the public respect." This is, I may remark, a high compliment to the Bill: it is merely a way of saying—"It is too good to be true." But I submit it is not a fair comment. No Government expects credit from putting forward proposals which will not work: they sometimes put forward schemes which, eventually, do not work: but that is a different matter. If this Bill is passed in a workable form, it will be worked. I have not attempted to disguise the difficulties of the scheme: it is possible that they will prove insuperable—I hope not and I believe not—but it is possible. That is why I have laid such emphasis on the necessity for adequate powers. The imposition of the improvement levy is based on two fundamental principles—the right of Government to half of the unearned income and the levy to be imposed only when it is definitely certain that there is going to be unearned increment. If there is no increment, there will be no levy. Government will only take five rupees when they have put ten rupees in a person's pocket.

I realise that Government are asking the legislature to give them wide and drastic powers. The non-interference by civil courts, the

rule-making powers, the assessment by executive authority, and the refusal to recognise as a matter of course the right to compensation, are some of the provisions of the Bill which some of the members may not be in favour of, specially in the form in which it has been provided in the Bill. It is not possible in a speech which has already become very lengthy to explain the necessity for all these provisions.

Mr. Townend—the Rural Development Commissioner—has been working on this Bill more than 8 or 9 months, and he has discussed threadbare with the departments of Government the various clauses of the Bill. I can assure the House that they have been included in this Bill only because after mature deliberations and due considerations of all the pros and cons, Government are convinced that it will not be possible to give practical effect to the principles of the Bill until and unless Government are entrusted with the powers which have been provided in the Bill. At the same time I can assure the House that in the Select Committee all these clauses can be examined and, if necessary, improved.

Sir, I would like to remind the members of the House that by the time this Bill is enforced and the various schemes mentioned in the pamphlet are carried out, there will be provincial autonomy in Bengal and the control of the legislature over the responsible Ministers will be sufficient safeguard against injustice or abuse of executive authority.

The House must not forget that the problem which the Government are undertaking to solve is immense and bristling with difficulties. The issues at stake are of vital importance to the people of decadent areas. Government have come forward with a practical scheme for the resuscitation of dead rivers and the revival of prosperity to the people of decadent areas. A heavy responsibility is laid on the members of the Council; the choice lies between two alternatives:—

If the Bill is rejected or delayed or its provisions whittled down so as to make it impracticable to work, then it will mean the continuance of the present state of affairs, dried up rivers, depopulated country-side, barren lands, impoverished and emaciated-people, deficit provincial budget.

On the other hand, if this Bill is enacted into law and the schemes envisaged in the pamphlets are carried out, then we can visualise the picture of flowing rivers, thickly populated districts, land covered with luxurious crops, healthy, sturdy and well-to-do peasantry and surplus provincial budget.

(The Council was at this stage adjourned for fifteen minutes.)

(After Adjournment.)

Mr. PRESIDENT: At this stage we have to deal with three amendments which propose to circulate the Bill to elicit public opinion thereon,

and I hope it will serve the purpose of the House if only Mr. Maiti's motion is moved.

Mr. R. MAITI: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1935.

Sir, in doing so, I may at once say that a great many people of the province having agricultural lands or non-agricultural lands will be affected by this Bill. Their opinion counts a great deal in respect of the Bill before the House. But it is most regrettable that the Government comes forward with a proposal for reference to the Select Committee without giving the people an opportunity to express their opinion thereon. People's voice ought to have been heard before this Bill is referred to the Select Committee.

Sir, first of all this Bill, as it appears to me, is in the nature of a taxation measure. The Bill proposes to impose an improvement levy on profits to be accrued from improvement works constructed by Government in a selected area. Sir, any state is morally and legally bound to effect improvement on lands at its own cost if it receives rent from the people for the occupation of such lands. But here the Government proposes to impose a levy for the improvement done by it, or in other words the people will have to make improvements at their own cost and the Government will not pay a single farthing out of its own coffer. People will pay and the Government will take the credit. This is a most unjust principle the Government wants to introduce in this country. Then again, Sir, there is no justification for imposing an improvement levy of a permanent nature. There ought to be some provision in the Bill for abolishing the levy as soon as the money spent for the improvement works is realised from the people after a certain number of years.

Sir, by the provisions of the Bill the Local Government has been empowered to deal with every question finally, while it has been proposed to have the jurisdiction of the courts ousted at every step. As lawyers we cannot agree to the procedure proposed. Then again, Sir, the methods proposed for fixing value for agricultural produce or improvement levy on non-agricultural lands will, in their actual working, entail a great hardship on the people. These methods will be more oppressive than those adopted in settlement operations in any district.

Agency system proposed to be introduced for the recovery of the improvement levy under the provisions of the Bengal Public Demands Recovery Act, 1913, will no doubt add to the burden and misery of the people.

Sir, in this Bill there are many defects of the nature as I have stated above.

Sir, the Hon'ble Member told us that a millenium will be ushered in Bengal if this Bill is passed into law. I shall be only too glad to welcome the new era of prosperity for the people of Bengal if it really comes. Let the people know whether they will have really prosperity or adversity under the provisions of the Bill. So, it is better that the Bill should first go before the public. This is a Bill entirely new in its nature and the public ought to have at least an idea of its provisions before it goes to the Select Committee. It is only a question of three months or so. People have suffered a great deal in the past for want of any improvements on their lands and they can easily afford to wait for a few months more. I therefore submit that the Government will have no hesitation in accepting my motion for circulation.

With these words I commend my motion to the acceptance of the House.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, it is not my intention to make a lengthy speech. Within the short time that the Bill has been before us it has not been possible for us to go through it carefully. However, I congratulate the Hon'ble Member in bringing forward a measure of this kind—a measure which is in consonance with the functions of a progressive Government. The Bengal Agricultural and Sanitary Improvement Act of 1920 was intended to confer a great boon upon the people, but in actual working it has proved to be a dead letter. In the case of the district boards, and at any rate so far as my own district is concerned, an attempt was made to apply the provision of that Act in certain areas; but it was found difficult to do so which I think anybody who has read the Act will admit. So far as this Bill is concerned, it closely follows the lines of the Bengal Agricultural and Sanitary Improvement Act of 1920.

Sir, Mr. Maiti's amendment is a very reasonable one. The Bill has got to be properly examined in all its details. I do not mean thereby that we oppose the principles of the Bill. The principles so far as they go are quite welcome, but it has got to be seen how far the provisions affect the laws in existence as well as the permanent settlement. It has been said by the Hon'ble Member that it will confer a real boon on the people of Bengal. I do not wish at this stage to discuss the different provisions of this Bill, but I think that public opinion should be consulted before the Bill is referred to the Select Committee.

Sir, there are other important questions connected with this Bill which I do not wish to raise at this stage. When the proper time comes, I shall deal with them more extensively. I will, however, mention only one point which seems to be of the greatest importance. The ousting

of the jurisdiction of the civil court in regard to assessment is open to serious objection. The orders of the assessing authority should in no case be final. Such a provision is fundamentally wrong and inequitable. There are other clauses in the Bill which, unless thoroughly modified, will not be acceptable. That is why I am strongly in favour of circulation and public opinion on a measure of such far-reaching character will be of great help to the Select Committee in considering the Bill in its various aspects.

With these few words, I support the motion of Mr. Maiti.

Mr. SARAT KUMAR ROY: Sir, I have gone through the Statement of Objects and Reasons and heard the speech just made by the Hon'ble Member in charge, explaining the objects and reasons of this measure. In my opinion, improvement of rivers and other waterways, if prudently and carefully worked out, will increase their fluvial action; and an increase in the productive powers of the surrounding lands may very well be expected to follow as a necessary consequence. Since development of land, if economically advantageous, will prove a distinct benefit to all concerned in such lands, I mean the *raiyats*, their landlords and ultimately, the State, the object of the scheme propounded by this Bill is indeed commendable.

But, Sir, you should not lose sight of the important fact that unless the scheme proves successful economically, the result will be quite the opposite. If it fails to bring about improvement in the economic worth of the soil, the additional burden to be levied must necessarily be injurious to its owner.

Having regard to the scanty information we have in our possession on this subject, I am sorry I am not in a position to say what would be the result.

So, Sir, despite the able arguments of the Hon'ble Member, I am sorry, I am not convinced of the urgency he pleads for rushing this Bill through with so much haste as to debar the public from expressing their opinion on the Bill.

Sir, before I discuss the propriety or otherwise of the policy for levying a land tax directly on the people within the permanently-settled areas of Bengal and to which I have very cogent reasons to object, I may be permitted to point out that by whatever reasons you may justify the enactment of a measure like this, I think the economic conditions of the *raiyats* of Bengal do not justify the levy of an additional burden on the land at all. Agriculture as an industry is hardly a paying concern now. So it is not safe to overburden the agriculturists further, unless you can prove that the nett result of the scheme will prove an economic gain, increasing their paying capacity.

Moreover, Sir, you will find the following opinion of the Royal Agricultural Commission, at page 41 of the Abridged Report—"Irrigation problems peculiar to Bengal are so complex in their character and their solution is of such importance that a committee of experts should be appointed to examine and investigate them." Hence, I think we should not be asked to adopt the principles of this Bill unless and until the result of such investigations satisfactorily proves that the nett result of the development has brought a real economic gain to the cultivators. And for purposes of such investigations, examination of selected areas only will not do. All the schemes in hand should be examined and with particular reference to the following facts:—

(a) what amount of capital has been expended in each such area;

(b) the extent of the economic gain derived therefrom by the cultivators of that area; and

(c) whether the economic worth of the land has sufficiently appreciated in comparison with the expenditure involved.

We have also to consider as to what would be the result if in spite of such developments in the productive capacity of the land their economic worth is not increased through world-market conditions, and the *raiyats* eventually fail to contribute the levy. Under such circumstances, may I ask what remedy would be left for the Government for recoupment of the capital invested or for meeting the interest thereon and the cost of maintenance?

Sir, I think these details are essential for us; and until and unless they are before us, we are not in a position to judge the probable results of the scheme. Hence I think that this Bill is premature.

Then, Sir, I turn to another aspect of the measure. The Bill proposes the levy of a land tax directly on the *raiyats*. But I submit that in permanently-settled areas of Bengal, this is clearly a new departure in the fiscal policy of the Government. Apart from the fact that such a change in the revenue policy is a violation of the sacred pledges of 1793, it has to be seen how far the landlords would be handicapped in realising their dues for rent, if, side by side with them, the Government sets up another agency to realise its dues for making improvements of the soil.

Sir, I submit that that would be a very unhappy affair and, at any rate, that will bring about confusion.

Sir, it may be suggested that to avoid such conflict of interests, the landlords may be appointed as the agency for realising the levy necessitated by the improvements. But, Sir, I doubt very much as to whether the landlord will like such an idea. At any rate, it is not yet known to us as to what their views really are. So I think it is incumbent upon us to obtain their views also before we adopt the principles

of this Bill. If, on the other hand, the realisation of the levy is entrusted to another agency, I think other difficulties will also arise. Sir, rent is a first charge on land; and the realisation of all other dues must be postponed till rent dues are paid. That may hamper the realisation of the levy.

But if the additional levy be classified as a superior charge as has already been laid down in the Bill, the security for rent will diminish and hence that for land revenue will suffer.

So, I think there will arise difficulties, both legal as well as practical, if two different agencies are employed for realisation of the rent and the levy.

In the next place, the methods proposed for deciding conflicts arising out of the operations of this measure are not free from objection. Sir, I am afraid, conflicts will arise in numerous instances as to whether any benefit has actually accrued to any particular individual sought to be taxed and also as to the amount of such tax, Sir, in these disputes, the Executive Government and the public will have conflicting interests, and I do not think it safe to fix the power of finally deciding the point on such Executive Government.

Under the present law, whenever such disputes arise, between parties having conflicting interests, the civil court decides the dispute. But here in the Bill, there has been a strange departure. It begins with declaring that the civil court would have no jurisdiction over such matters. Sir, I have already said that the parties having conflicting interests are the Government which would bring about improvements and the tenants who would enjoy the benefits so brought about. Under such circumstances, the ultimate decision should not rest on one of these parties—I mean the executive officials. There is no equity in such a proposal.

For all these reasons, Sir, before we are asked to further consider the provisions of the Bill, the public should be given an opportunity to express their opinion on the questions I have discussed. I therefore support the amendment to the present motion proposed by my friend. Mr. R. Maiti, viz., that the Bill be circulated for eliciting public opinion thereon by the 30th June, 1935.

Mr. W. H. THOMSON: Mr. President, Sir, may I begin by congratulating the Hon'ble Member on that part of his speech which I have heard this afternoon? I regret, I did not come in time to hear it all. I had no idea that Leprosy could be disposed of within ten minutes. Sir, I can assure the Hon'ble Member of the support of this group for the general idea of this Bill. An improvement, which is to cover a wide tract of country, is bound to cost money, big money. The canal schemes and barrages which have been executed in other provinces and

in other countries, as for example in Egypt, have cost very large sums; but they have produced great improvements and increased to an enormous extent the fertility of the soil and the outturn of the crops. The Government has been able to take its share in such improvements in increased land revenue, and is therefore able to set improved land revenue against the cost of the scheme; and having done so in one place it can move on and do the same in another. In Bengal with the permanent settlement this is impossible. There can be no improvement of land revenue corresponding to the improvement in the outturn of the crops, but if Government is going to put money into the cultivator's pocket, surely Sir, there can be no objection to Government taking a commission on the profit which it gives to the cultivator, that commission being proportionate to the actual profit which ensues. While giving general support to the idea of the Bill however, I have one or two points which I should like to mention now and we will discuss later what to do about them.

Sir, this is a measure of great importance, of importance comparable to our revision of the Bengal Tenancy Act, comparable in importance to the late Sir Provash Chunder Mitter's Cess Bill. You remember, Sir, how slowly we went with the Tenancy Act, how many months committees sat from Sir John Kerr's Committee in 1921 till we finally had the Bill drafted which was to amend the Tenancy Act. You remember, Sir, how many meetings there were of Sir Provash's unofficial committee before the Cess Act was drafted. My own feeling is that Government would have been wiser to have adopted similar methods and to have hastened a little more slowly in dealing with this Bill. But the Bill has been drafted and has been introduced.

Let me come to my point. To begin with, before anything else can be done in dealing with a benefited area, an up-to-date record-of-rights is required. If there is already a record-of-rights, it should be brought up to date and maintained continuously. You will have to have in any case a record of the plots and their occupiers in order to continue to collect the levy. At the same time, why should not a record-of-rights be maintained by the same means? We should begin with a record-of-rights. That record should give us the whole history of occupancy, of rent enhancement, of new settlements and so on, from the beginning of the improvement. If I had had the drafting of this Bill, I would begin with the provision for an up-to-date record-of-rights. If there is already a record-of rights, it will be necessary to go back to the *bhujarat* stage to revise it. It will be necessary to go over the land plot by plot, to revise the *khasra* as well as the *khatian*, and if you employ settlement kanungoes and assistant settlement officers, you will get from them better and far more reliable estimates of crop values and outturn of crops than you will even get from crop-cutting experiments. I have had bitter experience of the crop-cutting experiments.

In the Settlement Department we gave them up altogether. In carrying them out the whole countryside was against you. Even your own *chaprasis* were against you, and you cannot sit on the crop yourself night and day while it is being cut, dried, threshed and weighed. Wash out the crop-cutting experiment altogether, and rely on estimates by settlement and similar officers who have been doing this sort of thing all their lives. That means washing out section 7 of the Bill (it is of no use to you) and relying on section 6.

Then, there is another matter which has not been provided for at all that I can see in this Bill. It is the matter of sub-infeudation. It is a matter of considerable importance and in fact to my mind in the case of improvement to the countryside it is of vital importance. The problem is this: you know the Bengali cultivator; when he finds that the outturn from his land has been increased very much, when he finds that he gets very much more than he ever had before, more than he needs for himself or knows how to handle, what will he do? He will straightaway sublet half of his land and sit back and watch somebody else cultivate it and when the time comes for assessment of the levy he will find he cannot pay. That is not the worst of the trouble. The worst of the trouble is this, that by the fragmentation of holdings, instead of producing a countryside full of bonny babies or whatever was the expression the Hon'ble Member used just now—instead of producing an agricultural population healthy and wealthy—you will find because of this fragmentation of holdings, within about ten years the pressure of the population on the soil will be just as heavy as it was before the improvement was made. In that first ten years the economic value of improvement will have been dissipated unless you can do something about subinfeudation. I do not really know what to suggest. Possibly, it would be wise to provide that *kol raiyati* leases after an improvement in a benefited area should be limited to one or two years or possibly be voidable at the option of the lessor when the levy is assessed. In any case you have an officer assessing the levy. Even if under-*raiyati* leases cannot be avoided he might be given the power to settle a fair rent for under-*raiyati* holdings created after the improvement. But whatever solution we can find for that difficulty, here is another reason for starting with a record-of-rights, so that we shall know all that has happened. And then, Sir, there is the question of the position of the landlord. We have heard the landlords' representative just now objecting to an infringement of the permanent settlement, objecting to the improvements generally. But, Sir, the improvement of the position and status of his *raiyats* cannot but be for the benefit of the landlord. Even if he does not get any enhancement of his rents it will be to his advantage to have a wealthy and healthy and a solvent tenantry. His difficulty of collection will be reduced by half. Even without any enhancement of rent the landlord must benefit by the introduction of this Bill to enable improvements to

be made. But should he have an enhancement of rent? Government is going to take a levy from the cultivator. It is to its own interest to defend the cultivator and it has its duty towards the cultivator. Is it not bound to do something to prevent him from being bled by the landlord? Sir, in the Bill there is an indication that Government intend to protect the tenant from heavy enhancement of his rent. May I refer to section 30 which provides that the rent shall not be enhanced on the grounds of benefit derived from the construction of an improvement work or on account of increase of the productive power of the land due to a fluvial action? It is true that there are sections in the Tenancy Act which provide for enhancement of rent on account of an improvement and on account of fluvial action. But I never came across a case of an enhancement of rent on account of an improvement, and except in a few cases of *char* lands which were either *khas mahal* or temporarily-settled estates where fair rents were being settled under section 104 of the Act, I never saw fluvial action made the justification for an enhancement of rent. That is not the way rents are enhanced in Bengal. Rents are enhanced in Bengal by contract between the landlord and tenant and no reason is given at all. The landlord remeasures the land and takes a fresh *kabuliyat*. So, Sir, the section as it stands is no protection at all. The only real way to protect the tenant in these cases would be by a notification that such and such is an area which has been subject to betterment and within that area all occupancy *raiyats* become *raiyats* at fixed rent. That, Sir, is the easy and a straightforward way of dealing with the matter. But, it is no use my pressing that either on this Government or in this House as they are at present constituted. I therefore press the logical alternative which is this: if the landlord on account of the improvement or after the improvement is able to raise his rents, he should pay on his increased profit the same proportionate levy which Government will take out of the cultivator. I submit, Sir, no landlord could really take any serious objection to such a provision. It is the duty of Government to introduce some such provision in the case of enhancement of rent. It is also necessary for Government to see that it does not lose its share in the case of land which on account of improvement becomes fit for settlement for the first time. But, it may be said that in the countryside of Bengal the land which is fit for settlement but is unsettled is a negligible quantity, and I will agree that this is ordinarily the case. But what about the case of a *bil* which is drained? The middle of the *bil* is always the landlord's *khas*. When the middle of the *bil* becomes fit for cultivation, the landlord will take a *salami* and assess rent. Should he not pay the levy on this additional profit in respect of that land?

There are other points of the sort I have mentioned now, but I would not put these or any others forward as reasons for refusing to send this Bill to a Select Committee, provided it is understood that those points and similar points can be considered by that Committee. Technically,

Sir, I do not think that there is any serious difficulty in this, and I do not believe, Sir, that you in your conduct of the business of this House would have such considerations put outside the purview of the Select Committee; but I want an assurance from the Government, from the Hon'ble Member in charge, that he will raise no objection if such points, as I have mentioned, are brought up at the Committee stage.

Dr. NARESH CHANDRA SEN GUPTA: Sir, at the outset I would like to express my appreciation of the good wishes of the Government behind this Bill, good wishes which, however, I am reminded pave the way to a certain very undesirable place. The object of this Bill is not to have improvement schemes for Bengal. The object is stated to be *to impose a levy*: the Preamble of the Bill reads thus—"whereas it is expedient with a view to the developmtent of land in Bengal to impose a levy in respect of increased profits resulting from improvement works constructed by the Government." That is, I should say, putting the whole thing in the wrong way. We should start with some definite idea about the projects of improvements which we contemplate and then think of the ways and means for meeting the expenditure in that connection. But here we start with finding the money and then we are thinking of leisurely going about the business of having actual projects for the improvement of the land by irrigation works and by works regarding the improvement of rivers. That is not my way of looking at the problem. I have discussed this thing on the floor of this House before in connection with the famous Navigation Bill which we have passed. What we want is to start with a comprehensive plan for dealing with all the water resources of the country in such a way as to give the utmost benefit of it to all parts of the country according to the needs of each. This was suggested by Sir William Willcocks and this was suggested also in the Report of the Irrigation Committee, and this was what the Hon'ble Member's predecessor in office assured us that we were going to have. Years have passed by, yet we have not got that comprehensive plan. Once we have got that plan, the next thing would be to find out the ways and means, and then I should certainly be very willing to subscribe to the principle that those who receive an economic advantage out of any scheme carried out by Government may be made to pay for it to the extent that such revenue is necessary in order to enable Government to carry on the work. Therefore, the principle which this Bill seeks to enunciate is one to which I could have no objection if it were properly conceived. But if you leave the plan and the programme for the future and start with providing merely a machinery for levying the rate, then I am afraid it is very difficult for us to give our assent straightaway to that measure. We have just had circulated to us a statement of the Government made, I take it, with regard to the development of decadent areas. I have been looking into it for some

indication of the projects in hand. What do we find? We find nothing but vague and imaginary ideas. We find reference to something in Western Bengal with no definite project in hand. We get a reference to the conditions of the districts of Central Bengal which do not lead us to any concrete and definite scheme, and with regard to Northern Bengal we have got a vague reference to the scheme of a barrage across the Teesta which is an undefined way would benefit the people of those districts. Once we pass this Bill and the Irrigation Department starts improvement schemes in this and that area without having a comprehensive scheme into which these different isolated schemes have got to be articulated, the result might be that in improving one area you would be depriving another area of the benefits which it has already got, because you might have faultily framed schemes which would not in any sense be improvement schemes or your schemes might be short-sighted. By putting a barrage across the Teesta you might be reducing the water-supply of Lower Bengal to such an appreciable extent that some of the districts which receive their supply of water from the rivers Ganges and Brahmaputra may be deprived of their full supply. But it would not be so if you have started with a full survey of the hydraulic possibilities of the province, and if you have framed your scheme of the Teesta barrage in such a manner as not to interfere with the water-supply of other places. Therefore, a comprehensive scheme is the first desideratum, a *sine qua non*, without which we cannot proceed. Unless and until Government place before us a comprehensive scheme it is not possible for us to support this measure. Looking at the statement issued, I was surprised to find that in respect of the 24-Parganas, Government referred to one particular matter. That is a matter which if it were drawn up by an advocate for the Government, he would have been the last person to refer to. At page 16 we find that the Ghuni Jatragachi Bil area within three or four miles of Calcutta has been suffering very badly from defective drainage and there is frequent failure of crops in consequence. This is a matter which has come up before this Council before. The position is much worse than is stated here. This area has been practically deprived of its capacity to grow crops, but why? Is it because of the want of an irrigation project there or a drainage project there? Is it not a fact that that area has been flooded and ruined because of the canal schemes of the Government imperfectly planned, imperfectly worked out and imperfectly maintained? The predecessor in office of the Hon'ble Member in charge personally looked into the matter and found that this flooding was due to the faults of the Irrigation Department, and he was determined to remove the difficulties by taking the steps which were suggested by some of the people and even by some engineers. But ultimately something stood in the way and the Kristopur-Canal was not deepened and the Chitpur Lock Gate was not opened out. Here you have a case which just makes it impossible for us to give support to this Bill blindfolded. You

are trying to levy improvement rates for the purpose of financing schemes prepared by Government. Here is a scheme prepared by Government. Here is this Kristopur Canal scheme which has been causing such loss to the people, causing them immense injury and making cultivation impossible. What are you going to do in cases of this sort? Ill-judged and ill-carried out schemes will be causing injury to the people. Where is the arrangement for Government paying compensation for damages done to the people? Where is the proposal for compensating these people like the people of Ghuni who would be suffering as a result of the activities of the Irrigation Department? There is none. Besides that, there are numerous points to be considered. This Bill proposes to give a *carte blanche* to the Collector and the revenue authorities in the matter of the assessment of rates to be charged for improvements. The Collector will determine whether there has been an improvement; the Collector will determine what improvement there has been; and the Collector will fix the rate at which the improvement levy will be imposed. Of course, there is a provision for appeal. The provision in the Bill is that any person aggrieved by a decision or order of the Collector may appeal to the prescribed authority, and the decision of the prescribed authority shall be final and shall not be questioned in any court. That is to say, you are depriving him of his civil rights. You are levying a rate for the purposes of revenue on the basis of certain improvement. Then, why is this shyness to face the decision of the court whether he is liable to pay the demand on account of the improvement effected to his land? The Bengal Tenancy Act provides a procedure according to which enhanced rents are levied for improvements made to lands, but there those are matters which are not taken out of the jurisdiction of the civil court. Landlords have to face the decision of the civil court in cases of assessment of rent. Why should the Government take this thing altogether out of the jurisdiction of the civil court? Are we going back to the day when in England no suits could be filed against the King or his officers, but only petitions were allowed to be filed as a matter of grace? Nowadays, of course, in England petition of right is the same thing as a plaint in a suit for all practical purposes, but in this country Government, which started with an ample jurisdiction of the civil court in all matters, so that the Secretary of State in Council himself was made amenable to the same jurisdiction of the civil court as an ordinary citizen, we have now been seeking to go back, further and further and trying to eliminate the civil courts altogether from any affairs touching Government. I am afraid, Sir, there is nothing to justify in this particular case Government's nervousness about the civil courts. I can understand my friend Sir Bijoy Prasad Singh Roy protesting that he would not have union board matters brought before the civil courts, because that would hamper the working of the union boards. I can also understand him even protesting that he would not allow matters relating to local bodies being brought up before the civil courts

because that, too, would hamper the working of the local bodies, but what justification is there for preventing the courts declaring on the elementary right of a citizen not to be overtaxed? You are imposing your tax and you are trying to realise it by a summary procedure. The civil court is there to give relief to the poor citizens who have been improperly taxed and to say that your action has been against all law and all equity, justice and good conscience. But you are depriving the people of the right even of taking their case to the civil court and having its opinion. That is a sort of legislation in this connection which has no legs to stand upon and cannot be justified. So the least that Government can do, considering that the fundamental object, the good intentions and good wishes underlying this Bill are such that it is not one which we ought to summarily reject, considering that, the least that Government can do is to accede to the request of my friend Mr. Maiti to have public opinion taken upon it. It will differently affect the people of the different parts of the country, Western Bengal, Northern Bengal, Central Bengal and even of Eastern Bengal. We do not know exactly how it will affect all these different areas. The Irrigation Committee which investigated the problem did not go into detail, but only laid down a general outline of the problem in the different parts of the country. Let each part of the country and district consider how these proposals are going to affect them and say what exactly they want: whether they want this sort of thing done before we proceed in a hurry to legislate. Mr. Thompson, in a speech which was full of substance, put forward every possible reason for accepting this motion for circulation of the Bill, but unfortunately he wound up by saying that he would nevertheless support the Select Committee motion on certain undertakings being given by Government—undertakings which however would be of no avail, considering the limited power of Select Committees. Mr. Thompson has certain ideas in his mind which he thinks he would be allowed to agitate before the Select Committee, but if those things have got to be considered, you might at once come up against many matters which you cannot take up in the Select Committee. So the whole thing has got to be considered in all its bearings before the Bill is referred to the Select Committee. Mr. Thompson certainly knows that the Select Committee is not a place for cool deliberation and calculation of all possible and relevant matters. We must do our work there more or less in a hurry and the Select Committee is not a place for that sort of thing—that sort of discussion has got to be done outside the Select Committee. If the Bill were circulated, the public bodies concerned might put forward their grounds and Government, after considering them, might find some of them substantial or unsubstantial, but it is not the business of the Select Committee to do so. If Mr. Thompson's criticisms are justified, they are matters which have got to be decided upon and deliberated upon before the Bill is referred to the Select Committee. So I strongly support the motion for circulation.

Maulvi ABUL KASEM: Mr. President, Sir, I am sorry I cannot support the motion of my friend for circulation, but thereby I do not mean to say that I do not appreciate the apprehensions of the supporters or the reasons they have put forward, and as my friend Dr. Sen Gupta has said that every word and argument used by Mr. Thompson are in favour of circulation of the Bill and not in support of its reference to a Select Committee, I may, with his permission, be allowed to say that all the arguments put forward by Dr. Sen Gupta himself make out a case rather for the Bill being sent to the Select Committee and not for it being circulated. It is for the Select Committee, Sir, to investigate and go into the matters and then decide. A motion for circulation, so far as I understand it, is intended for two things. One is for dilatoriness and the other is for putting off a piece of legislation. In this particular case I object to the circulation for a very important reason. The life of this Council, I hope, will not be extended beyond this year, and I hope it will be dissolved this year, so that in that case there will be no time to pass this Bill in a modified form even in this Council. The Hon'ble Member has said that this Bill will be passed by this Council, but its actual operation will be in the hands of the Ministry under provincial autonomy, but, Sir, whoever handles its operations, what I want to say is that something should be done and some instrument should be placed in the hands of the new Government to carry out important questions of agricultural movement. Like Mr. Thompson I also beg to offer the Hon'ble Member my sincere congratulations for the very lucid and exhaustive, if not convincing speech, which he delivered and I also very fully appreciate the hard labour and industry put in by Mr. Townend. At the same time I hope, Sir, that this piece of legislation will not share the fate of another piece of legislation which the Hon'ble Member himself also sponsored in another capacity in this House, and that some action will be taken on it. Sir, I have to say one word with reference to the Hon'ble Member's speech. He has held out a sort of vague threat, if I may say so, that only two irrigation canals have been taken up and they are the Bakreswar and the Damodar, and incidentally he remarked that it was very unfair and unreasonable that provincial revenues should come to the rescue of the people for the maintenance and capital expenditure on the Bakreswar and the Damodar. In theory, Sir, and apparently, it seems a very fair statement, but I want to know from the Hon'ble Member and from the Treasury Benches as a whole, what right the Government have to misappropriate just for 172 years a large amount of money paid by the cultivators and the tax-payers of this unfortunate country. I have referred to this matter several times, and although I agree that Government will be justified in imposing a levy for improvements effected at the cost of Government, yet at the same time we must demand justice and fair play, and that, so far as we are concerned, that is, the people on the other

side of the Ganges are concerned, in view of the fact that we have paid to the provincial revenues a sum which is absolutely abnormal, we must demand that for that some consideration should be shown to us. When the reins of government passed from the Moguls into the hands of the British it was an irony of fate and an unpardonable blunder on the part of the then Maharaja of Burdwan that he was not declared a ruling prince, but instead was made a protected one, and one of the results of that is that we are being bled, being absolutely bled, for the provincial revenues of Bengal.

One thing more, Sir. My friend Dr. Sen Gupta has said that an appeal will lie to a prescribed authority and I hope the Select Committee will prescribe that authority. I am not much enamoured of the civil courts either in this matter or in any other, but I would say that the authority which would hear appeals should be persons unconnected with the Irrigation Department and with judicial training and legal knowledge and though without the paraphernalia of a civil court yet they should be judges of the same standard as a civil court. There are many details in the Bill which will have to be looked into before it can be passed into law. Dr. Sen Gupta has said that in the Select Committee things are passed off very peremptorily and in rather a cursory manner, and I hope and appeal to the Hon'ble Member that, in this very important matter, which concerns the vital interests of the cultivators, time will be given for the expression of opinion from all sides.

One word more, Sir, about eliciting public opinion. I am opposed to this motion because it is a dilatory motion, but I think public organisations and people at large who take an interest in this matter will be fully at liberty to send representations to Government for consideration in the Select Committee. The Select Committee is fortunately or unfortunately a very big one and represents various interests and shades of opinion, and I am sure that, if public organisations and people interested in this matter, send in their criticisms of the Bill to the Select Committee I am sure it will receive earnest consideration at their hands. It is not one of those measures which Government wants to press upon us, but it is a measure, I take it, which public interest and public opinion have called upon Government to put on the statute book. As I have already said, I may again repeat that the Bill is not intended only to add to the volume of our statutes, but is really intended to be operative, at any rate the present Government should put it in such a position that the new Government when it comes may put it into immediate operation.

It has been said that a comprehensive scheme has to be prepared. I hope, Sir, the remarks of Dr. Sen Gupta in this connection will not go in vain and that a comprehensive scheme will actually be prepared before this Bill comes into this Council again. Sir, this is a Bill

which has a little personal interest for me, because my constituency, both past and present, is particularly interested and affected by this Bill. The Bill speaks not only about dying rivers but dead rivers, silted-up and blocked-up rivers. I can mention that in my district and in the district of Hooghly, the Bakreswar, the Kanoj, the Saraswati, the Kana, the Khoné, the Behula—all have been blocked up or obstructed and there is no flow of water in them. Government owes it to us, therefore, and in fact we can claim it as a matter of right, that they should clear up all these rivers and bring a beautiful flow of water in these rivers because they have not been blocked up or silted up naturally, but on account of the deliberate action of Government, and I am prepared to say, the criminal action of Government in thus obstructing these water channels, which has caused malaria and poverty to the people inhabiting these districts. Sir, the two main rivers of the district are the Rupnarain and the Damodar. Both of them have become bottomless, owing to the accretion of sand from the hills. These are the rivers which protect the port and the shipping of Calcutta. Owing to the accumulation of sands carried from the hill-tops these rivers have become waterless, and there is no even flow of water unless there is a flood. Further owing to the water remaining, stagnant in these rivers, there is no drainage, with the consequence that malaria is very rampant in the district. Sir, the reason why the Burdwan district has been saddled with an abnormally high rate of rent is that at the time of the permanent settlement almost every bit of land was cultivated, and all the lands were fertile. Why were they fertile? They were fertile because of these water channels. They were not natural channels, but they were made natural by the action of the previous Governments—both the Hindu and the Muhammadan; but the present Government have killed them. Therefore, we have these rivers in their present bad condition and we suffer not only in our poverty but also in health. We have been told that in former days our *raiyats* were a picture of health—flourishing, healthy, and rich. We were really so in the good old days, but now, Sir, we have been reduced to the position of a very negligible quantity. The Hon'ble Member in charge of the Bill has very kindly referred to the Burdwan fever. Might I remind him, Sir, that just before these obstructions to our rivers were caused, Burdwan was one of the healthiest places in Bengal? It was considered to be the healthiest place in pre-railway days—in fact, it was considered to be a sanatorium. We have been told that our people are now unfit. At one time we gave no revenue to the Moghul Emperors, but we supplied a certain number—and a very large number at that—of soldiers. But now our men are so unfit that they cannot walk a few miles even to the railway station.

I hope, Sir, that in this matter, in response to Dr. Sen Gupta's appeal, a comprehensive survey will be made; and that survey will

improve the schemes to which I have already referred. We, Sir, in the Burdwan district alone, with an area of three thousand and odd square miles, pay a revenue of Rs. 32 lakhs annually; whereas Dacca, which is well known to the Hon'ble Member in charge of the Bill, pays the "magnificent" sum of only Rs. 4 lakhs per annum by way of revenue. Therefore, we want some compensation.

Sir, I will take the House a few years back when we represented to Lord Ronaldshay—now Marquis of Zetland—who was then the Governor of Bengal, he told us that he had a big scheme costing a huge sum of money for creating a catchment area for the Damodar. Unfortunately for us the Reforms Scheme came into operation, and the Government of India told the Government of Bengal that if they could undertake the scheme they could do it. As the provincial finances were not sufficient. the scheme had to be abandoned. We have been told to-day that the next Government will put this scheme into operation. I have mentioned the case of Burdwan, but I have some little apprehension that, so far as the future Government is concerned, we, the people of West Bengal, will be in a minority and the representations of the people on the other side of the Ganges will receive more consideration—I do not refer to Muhammadans alone—but the Hindus and the Muhammadans of West Bengal put together will be negligible and, perhaps, absolutely negligible and will not count for much. We do not want to be "counted," but I do hope that the future Government will do us bare justice in this matter in view of the financial support which we have given to the Government.

Sir, reference has been made to the permanent settlement. We, in Burdwan, including the Maharajadhiraja Bahadur of Burdwan, will be only too glad if the permanent settlement is abolished.

(At this stage the member having reached the time-limit had to resume his seat.)

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, in rising to speak on the motion before this House, I must say that it gives me peculiar satisfaction, inasmuch as it has fallen to my lot during the extended life of this Council to have at least one Government Bill with the principles of which I am in entire agreement. It gives me a great deal of satisfaction, also, to find that there is one man at least—if not more—in the Secretariat, who has got sympathy, imagination, and a desire to do good to this province. It strikes me, Sir, that the idea underlying this Bill is one which is fraught with the greatest possibilities of good to the province. When we were told of this Bill being on the way to introduction, I for one was anxious to see what the provisions were, and I was keen to welcome the provisions of the Bill. But,

Sir, I am afraid that, after reading the provisions—the detailed provisions of the Bill, which confer drastic powers upon the executive, my satisfaction has very much evaporated. Sir, I must say at once that I have not been able to follow the long—I am told the lucid—speech delivered by the Hon'ble Member in charge of the Bill. I only hope that he will allow us to have copies of that speech before we get the printed proceedings of this Council, which will be at the end of the year, because it will be very much helpful to the members of this Council to have printed copies of the speech in their hands for purposes of reference, especially, if I remember aright, the preroration of the Hon'ble Member's speech containing a translation of the immortal song of *Bandemataram*.

Sir, I repeat again, as I have already said, that the provisions of the Bill are extremely drastic. If the powers conferred by this Bill were to be exercised by an autocrat from the people, of the people and belonging to the people, one might have been not as much desirous of opposing these principles as they are at present. Sir, the drastic provisions of the Bill for imposing a levy on places where no improvement has taken place but where improvement may take place in the future, the methods of assessments to which reference has been made by more than one speaker before me, the defects of the organisation contemplated by the Bill and pointed out by a revenue authority of the status of Mr. Thompson, the defect of leaving powers with the revenue authorities, that is to say ultimately with the village *chaukidar* for the purpose of finding what the amount of levy from each person will be—I am sure the Government will not be able to find or appoint enough collectors to go round all the villages and holdings in the province: therefore, as I say, these things will have to be left to the unfettered discretion of the village *chaukidar* without the intervention of the civil courts. These are provisions which bring terror to my mind, and I am almost sure that these provisions have been put into the Bill so that the Council may have the pleasure of rejecting some of them and of giving the non-official members the pleasure of having done something which may be put to their credit. I am quite sure that the Government do not want these provisions, such as they are, to be put through and placed on the statute book.

Sir, here is just another matter which seems to make me think with my usually suspicious mind that probably Government are not serious about this Bill at all. In the part of the Hon'ble Member's speech which I could hear, he said that in some of the criticisms in the public press he had read it is stated that Government do not intend seriously to proceed with this Bill. Well, Sir, one thing which has been hinted at by several speakers confirms certainly that suspicion of mine: I refer to the individuality of the Hon'ble Member on whom it has devolved

to be in charge of this Bill. I do not mean any disrespect to the Hon'ble Khwaja Sir Nazimuddin in his personal capacity, but I would only remind the House that when Mr. Nazimuddin, as he then was, got the Primary Education Bill passed within a few months of his inauguration as Minister, high hopes were held out to the province that the rural population would be educated within a very short time. Well, the Primary Education Act was passed in 1930. We are now in March 1935. I should like to know how many people have been educated under the provisions of the Primary Education Act, of which so much was heard.

Then, Sir, two years ago a private Bill, the Wakf Bill, was passed by this House. (A VOICE: Last year.) Yes, Sir, I stand corrected; last year and that too under the ægis of the Hon'ble Mr. Khwaja Nazimuddin as he still was. Well, I do not know of any action having been taken in that direction or now being taken. There is just another matter. Shortly after that Mr. Khwaja Nazimuddin became the Hon'ble Khwaja Sir Nazimuddin in charge of the Irrigation Department and, as some members have said, of the Departments of Emigration, Immigration, Rhinoceros and Buffaloes, etc., and so much work to do! Sir, the Waterways Trust Act on which this Bill is based was passed in 1934 and his predecessor in the Council expected much benefit to accrue to the province from it. One year later we find that nothing is being done. I take it therefore that this means that the Government—I mean the Cabinet—know that whatever is put in charge of the Hon'ble Khwaja Sir Nazimuddin is bound to remain dormant, stagnant and a dead letter. Therefore, I am apprehensive that this Bill having been put in charge of that hon'ble gentleman, Government are not serious in introducing it or are ever anxious to see that its provisions are ever brought into operation. The Hon'ble Member has himself given the secret out—the cat is out of the bag—he wants to defer it to the Greek Kalends. He has said in the course of his speech that the operation of this Act is to be left to the new constitution. Therefore, it is the clear intention of the Hon'ble Member to put all these provisions in the Bill and ask the Bengal Legislative Council to swallow them and pass them at once because after all he will have nothing to do with the working of the Act. That will be for the next constitution. Therefore, I submit that there is a great deal of truth in the criticism which the Hon'ble Member has repelled, that probably this Bill is not intended seriously by the Government. Then, Sir, as has been pointed out by several speakers, in this Bill you have got such drastic provisions that it is necessary that you should have the public opinion of Bengal trained to accept the provisions of the Bill. It is no use passing a Bill which will be objected to by every peasant in Bengal. You cannot, possibly, carry on the object of improving the

countryside in the face of the determined opposition of all the people living there. It may be said that the Bengal peasant is, thanks to the inaction in respect of the Primary Act, mostly illiterate, and, therefore, they do not know what is really good for them; and, therefore, they must have some benefit conferred on them *nolens volens*. That, Sir, is a mistaken notion. The Bengal peasant is shrewd enough even without education at Oxford or Cambridge and knows what is good for him. I do submit, Sir, that it is necessary for him to be made to understand that a certain piece of legislation by the Government is intended for his benefit, and, therefore, some sort of propaganda is necessary. It is no use having a Bill passed and put in charge of the Irrigation Department. The Hon'ble Member has as much knowledge of Western Bengal or of Central Bengal as, probably, of the antipodes. He does not know anything of Western Bengal. The accuracy of that statement is proved by the fact that the only two canals of importance under his charge are the two canals called the Damodar and Bakreswar: and the hon'ble gentleman does not know the correct name of the latter; he calls it the "Barnkeswar"! That is the sort of interest that he takes in Western Bengal. I submit, Sir, that it is no use having a Bill passed and put in charge of a man who has no sympathy either with Western Bengal or Central Bengal and ask the people of the countryside——

Mr. PRESIDENT: How can you say that he has no sympathy for the people of Western and Central Bengal? That was rather an uncharitable remark?

Mr. NABENDRA KUMAR BASU: I am sorry, Sir. But I may say that he is not familiar with the needs of the people, nor with the geography of Western and Central Bengal. Further, I submit, Sir, that there is a piece of comprehensive legislation which is being introduced in this Council. Well, there is a Board of Economic Enquiry functioning in the province. I would like to know whether the provisions of this Bill were ever referred to and considered by that Board. There is no donbt that, so far as the principle of the Bill is concerned—as regards the primary intention of the Bill—as I have said, they are all to the good and I for one welcome it. But, as I have said, the detailed provisions are so drastic and meant to confer such autocratic powers upon the executive and revenue officers of Government that a great deal of alterations and of change are necessary before this Bill can be accepted by this House.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I rise to support the motion for circulation. My reason for circulation is that

the Bill is a very important one. It involves the rights of the peopl and it aims at introducing a new principle of taxation. So long a the principle of taxation for any land scheme had to fix the charg on the percentage of capital outlay and of the working cost it wa left to the local people to avail of the undertaking, if they chose to d so. There was no compulsion on the part of anybody. This has bee the principle followed so long. Even in the case of the Sukkar Barrag Canal, the biggest scheme in the whole world, individual freedom ha not been touched, and anybody who will take the water of the cana will have to pay for it, and that is the accepted principle throughou India. A departure is being made now from the established principl of taxation, and interference is being proposed with the freedom o the people. That is one aspect of the question which ought to be considered by us before we can whole-heartedly support the scheme. Whenever there is any Bill before this House it is generally preceded by a well-accepted scheme of improvement of land or any other thing which materially affects the people of Bengal. When the Primary Education Bill was brought before this House, we had a scheme and proposed taxation: the scheme was ready-made. We knew so much money was necessary for the scheme and after having made a complete and comprehensive scheme we brought forward a measure for its acceptance by the House. Sir, when we are asked to accept the principle of fixing a rate which we should pay, we ought to know where these improvements would be made, whether any improvement would be effected or not; otherwise, how could we blindly support a proposal like this? As it is not preceded by a well-considered scheme, the whole thing seems to be without any foundation. Sir, can you build a House without foundations? I ask the Hon'ble Member to say where is the foundation of this Bill save and except that he has constructed two canals for which the Government are losing a substantial sum of money. This is the only thing that is before us. If you think that you should devise some means to raise money locally from those people who are directly benefited by these two canals and if Burdwan members agree, there should be no objection from us. If understanding the implication of the Bill and if after the people have exercised the right of freedom Burdwan members say that there should be some sort of compulsion on the part of Government, then I will not have any objection. But, as it is, the people are not being given an opportunity to understand the full implication of the Bill. My friends want to know what my opinion is about North Bengal. Well, just as I was coming here I received a notice from Mr. Townend saying that here was a precious scheme which will directly help and develop the whole of North Bengal and that therefore I should give my support to it. I, however tell you that I cannot understand how the barrage of Teesta can be so effective as to benefit the districts of Dinajpur, Rajshahi, Rangpur, and Malda. I do not understand how

it will be able to store up sufficient water to meet the demand of these districts. To tell the truth, we in North Bengal are tired of the Teesta; and if the people of other districts are keen on having it, we have no objection. I do not believe that Mr. Townend, or anybody else, can train the Teesta in such a way that it can be allowed to flow, like the dead river Jumna near Delhi in a channel cut for it. When 12 to 24 inches of rain will fall on the Himalayas in a day, if you block a river what will be the effect on the surrounding country? It is for those who have imagination to think over that. So your proposal for another barrage on the Teesta may be alluring to many, but it is not so to me. If I am asked to pay for a scheme like that, I will say "Let Teesta be left alone." Twenty-four inches of rain in a blocked river flowing not through the channel itself but on two sides of it would create such a havoc in my district that probably my district would not agree to have a scheme like that. If on the other hand, there had been a scheme so planned in a place where there are two or three inches of rainfall throughout the year, it would have been of some effect; it would not have done injury on the two sides of the river. The thing has been so very hurriedly put before us and all the schemes have practically been trust into our system that it has gone absolutely out of control. Is it not possible for the Government at least when such an important measure is before them to wait for some time till we have all digested the matter and are prepared to have considered such a beneficent measure as my friend wants to have passed? After all, when my friends have been speaking of the experts and others, may I enquire from the Treasury Bench if those experts have succeeded in evolving schemes which would be of real benefit to the people at large? I will simply say that they consider the matter so very cumbrous that they have not been able to go through it yet. If the scheme is so very complicated and cumbrous that even the experts shudder, then how do you say that you have brought forward a scheme by which the poor people will be benefited? You simply ask us to levy any amount of money on the people. This is a very serious affair; it involves the prosperity of the country. If rightly done, of course, it will do immense good to the country, but these things must be done very cautiously, and if the experts having real intention of doing good to the people can prepare a workable scheme then and then only you can come forward with a proposal like this and ask us to vote blindfolded. My friend Dr. Sen Gupta in his usual way has asked for a comprehensive scheme. Sir, I am not asking for a comprehensive scheme. We must have a scheme at least which we can easily digest. If such a scheme comes forward, then you can ask us to support your idea of taxation, but without any scheme if you would bring forward a measure like this, the effect will be that only the poor people of Burdwan will suffer and all the rest will be left free. I told in the beginning, Sir, that if you would read the provisions of

the Bill and its scope, you will find that the Government is contemplating to take half the profit not only from the scheme that will be prepared in fututre, financed and carried out but from the newly constructed Burdwan schemes.

(Here the member having reached his time-limit had to resume his seat.)

(The Council was then adjourned for 15 minutes for prayer.)

(After Adjournment.)

Babu HEM CHANDRA ROY CHOUDHURI: Sir, at the very outset I must tell the House that I have every sympathy for the aims and objects of the Bill. Sir, Bengal being pre-eminently an agricultural province and the agriculturists of Bengal being proverbially poor, any State project for the improvement of agriculture must find favour with the people of this province. We learn from the Statement of Objects and Reasons of the Bill and from the speeches of the Hon'ble Member that there will be no levy if there be no increase of produce. Sir, let us now examine the different provisions of the Bill to see whether this principle has been translated into those provisions. I refer to clause 3 of the Bill. It is stated that—

"Whenever the Local Government has constructed, or contemplates constructing, any improvement work which in the opinion of the Local Government has increased or is likely to increase the profit from the agricultural produce from any land or to increase the outturn of such produce, or the profits from any land not used for agricultural purposes, within any area, the Local Government may, by notification, declare its intention to impose an improvement levy within that area."

The Local Government will necessarily work on the advice of its experts. Experts must be human beings and being human beings they cannot be infallible. So, if Government working on the wrong advice of its experts finds any of its schemes to be a failure and no advantage accrues to the people of that benefited area, still under the provisions of this Bill the people or occupiers of land within that benefited area will be liable for the cost of that project. Sir, it is very unfair to ask the people to pay when they do not get any advantage in return. When the Government on their own initiative and being advised by their experts, takes up a project, it should bear the whole cost if that project meets with failure; the people of that locality should not be harnessed with any tax. Now, Sir, I proceed to clause 8 which deals with the incidence of the improvement levy. Clause 8 reads thus:—

"Notwithstanding anything contained in any other Act, the improvement shall as regards agricultural land within any benefited area, be imposed for such period at such rate (not exceeding one-half of the

d increased profits, resulting from an improvement work or one-[illegible] of the net value of the estimated increase in outturn as the Local Government may by notification from time to time declare."

Sir, the wording of this Bill seems to be very simple and innocent, but the words "estimated increase in outturn," "increased profits," and "the net value of the estimated increase" do not convey their ordinary meaning. Those phrases have got their respective legal meaning and that has been explained in clauses 6 and 7. The words "estimated increase in outturn" have been explained in clause 6, which runs as follows:—

"From time to time an officer appointed by the Local Government shall in accordance with the rules made under this Act prepare in relation to land throughout a benefited area an estimate of the average increase in the outturn of the agricultural produce from land of any class which in his opinion has been or is likely to be made possible by any improvement work on the assumption that the land has produced and will produce the staple food crops notified under section 39 of the Bengal Tenancy Act, 1885, in respect of that land."

And to this has been added a proviso which runs thus:—

"Provided that the Local Government may at its discretion direct that the estimate be made without such assumption."

Now, Sir, what I want to draw the attention of the House to is that no land will be exempted from the levy within that benefited area whether the fertility of that land has been increased or not, or whether that land is fit for the cultivation of any staple food crop or not. Sir, in a benefited area which will perhaps consist of a number of villages there will be a number of plots which may be unfit for any staple crop, but the owners or occupiers of those lands will have to pay this improvement levy all the same. Then, Sir, how the value of the agricultural produce in the benefited area will be fixed has been explained in clause 7. Clause 7 (*iii*) states that the value will be calculated in this way:—

"The value of the grain calculated on the average, for the ten years immediately preceding the years in which the figure is fixed, of the prices published under sub-section (*4*) of section 39 of the Bengal Tenancy Act, 1885, for such staple crop, and the value of the straw calculated in such manner as may be prescribed."

Sir, we know that price of agricultural produce is very much fluctuating nowadays, and the value which they fetched some ten years back was much higher than that they do at present. The difference between average price of grain calculated on a basis of ten years immediately preceding, say, 1928-29, with that for ten years immediately

preceding, say, 1940-41, will be so great that it will seriously affect the interest of either the Government or the people. So, the procedure adopted for fixing the value of agricultural produce or making an estimate of increase in outturn of agricultural produce is so complicated and so unhappy that there is every chance of the interest of people within the benefited area being adversely affected. To avoid all these anomalies and difficulties I may suggest that the principle followed in assessment of income-tax be also followed in this case. What is done in the case of income-tax? In the case of income-tax the tax is assessed on the income of the preceding year. In this case also if the improvement levy is assessed on the increased produce of the preceding year I think there will be no hardship in case of the occupiers of land. The Hon'ble Member may of course enquire, what is to be done for the first year; how Government will assess the levy for that year. I may suggest that for the first year Government may assess levy summarily, but for subsequent years there will be no difficulty if Government follows the procedure I have indicated.

Then, Sir, as regards the rule-making powers of Government and making no provision for appeal and ousting the jurisdiction of the civil court, the previous speakers have said much. It has become very common in these days to make provisions in Bills empowering Government to make a number of rules tending to interfere with the jurisdiction of the legislature, to oust the civil courts, not only in the matter of institution of suits but also in the matter of appeals. I do not want to deal with those at length. In view of the fact that the Bill is of great importance and of a complicated nature, in all fairness we should demand that it be circulated for public opinion. Sir, millions of people will be affected by the provisions of this Bill; they should have a say in this matter before the Bill is considered in Select Committee. I would, therefore, request the Hon'ble Member to accept the motion for circulation.

Mr. K. C. RAY CHOWDHURY: Sir, I have not been a bit surprised that many members have sought to make regular fun of this Bill simply because they have neither studied the potential economic effect of this Bill nor the importance of raising large loans and spending them for the relief of the unemployed. I may tell you, Sir, straightaway that many of the members of this House have not taken the trouble to read the literature contributed by the various committees that have discussed this subject.

Mr. PRESIDENT: How do you know that?

Mr. K. C. RAY CHOWDHURY: Because it has been mentioned in the objects of the Bill that it owes its origin to the finding of the Royal

Commission on Agriculture, and not a single member in any way referred to this matter. (Cries of "Question, question.")

Mr. PRESIDENT: I cannot allow you such wholesale condemnation.

Mr. K. C. RAY CHOWDHURY: All right, Sir, I withdraw my remark. The same thing happened when any Bill was introduced either in the Bombay legislature or in the Central legislature for the protection of the working classes. In the Assembly, especially the representatives of Bombay mill-owners, raised a tremendous howl against the Factories Act—a piece of legislation which was founded upon a finding of the Royal Commission on Indian Labour, which investigated labour conditions for months and months, and went very carefully into the question of working hours and other matters from all points of view. The parallel here is in connection with the Report of the Royal Commission on Agriculture, into which I must confess I have not gone very deeply, because that is not my subject, but people who talk of agriculture and about protection of our poor *raiyats*, they at least ought to have studied this report, which is a link with the subject under discussion. I do not at all claim to have special knowledge of this subject, but my point is that many speakers have talked about the details of the Bill at this stage, but that is not the purpose of a debate like this. The question is to refer the Bill to a Select Committee. All that I understand, Sir, is that we should now say whether we approve of the main points of the Bill and its objects and whether we agree to sending it to a Select Committee. It is for the Select Committee to go into the details of the Bill.

Maulvi ABUL QUASEM: You have a very poor knowledge of the procedure.

Mr. K. C. RAY CHOWDHURY: I do not claim, Sir, to have a great deal of knowledge about procedure, but that is my view of it. The details need not be discussed now. This Bill, in my opinion, is of outstanding importance to Bengal as Government intends to take power under this Bill to raise crores of rupees in these days when money can be borrowed at a cheap rate of interest and that money has to be spent on reproductive works; we should not object to sending the Bill to Select Committee. This is the first time in the history of Bengal that the Government of Bengal is going into the money market to borrow money to be spent on reproductive works on the lines of the United Provinces Electricity Supply Act. Government will get the money all right; it will spend the money all right; of course there is some risk about good return on outlay. But in the last resort the tax-payers pay

the deficit if there be any. Even if it imposes a small burden on tax-payers I say in all humility that this is one of the best Bills that I have ever seen in this Council. It gives Government power to borrow money with a view to take up reproductive works and find employment for thousands of our people, and pay it back from profits and at the same time confer economic benefit on the impoverished peasantry of Bengal by raising its earning capacity from land and agricultural holdings to be improved by irrigation and fertilisation as provided in the Bill.

Maulvi ABUL QUASEM: Sir, I rise to support the motion for circulation. I myself gave notice of a similar motion. I feel that this is eminently a Bill which should be circulated for eliciting public opinion thereon, because it affects very closely the agriculturists. It has been said that the purpose of moving a circulation motion is to delay the passage of a Bill. I do respectfully and firmly differ from that view. Sir, it has been my experience within the short time that it has been my privilege to be a member of this House to see the effect which circulation had on a Bill. As a result of circulation the Bill received immense help from the suggestions and criticisms offered on it by those who were consulted. As a result of the consideration of the helpful criticisms that were offered, the Bill emerged from the Select Committee shorn of all its obnoxious features. The Bill as it was referred to the Select Committee was full of objectionable features —I am referring, Sir, to the Court-fee (Amendment) Bill which was recently passed by this Council.

Sir, I feel bound to refer to certain remarks made by Mr. Narendra Kumar Basu directed against the Hon'ble Sir Khwaja Nazimuddin. I did not like these remarks. These remarks were smacking of uncharitableness. I object especially to that remark of Mr. Basu that whatever Khwaja Sir Nazimuddin did or intended to do did not fructify and tended to end in failure. This remark was most unkind and uncharitable. The Hon'ble Khwaja Sir Nazimuddin has always tried to be of service to the public. Success does not lie in man's hands: circumstances do arise, vicissitudes of fortune do occur which sometimes frustrate all our best efforts and intentions. Sir, if unforeseen circumstances have frustrated for a time, the Hon'ble Khwaja Sir Nazimuddin's efforts, he certainly deserves all our sympathy and censorious criticism like this is quite unwarranted. If it were said that Government was very prompt whenever it wanted to exact anything from the people, I could support that statement; if it were said again that when it comes to the question of doing real and lasting good to the people, Government professes much and practises little, I could understand and assent to that too; but to single out Sir Nazimuddin for a criticism like that in which Mr. Basu indulged, is uncharitable in the extreme.

Sir, one thing that strikes me is that the Bill leaves almost everything to the rule-making powers of the executive. On that ground I would support the motion for circulation. It may be within the recollection of many members of this House that in England, which is perhaps the most democratic country in the world, where, be it remembered, the Government is responsible to the legislature and through the legislature to the country at large, the Lord Chief Justice—I mean Lord Hewart—not long ago raised his voice in protest against the increasing tendency of the executive to encroach upon the domain of the legislature by means of the subordinate power of legislation which is delegated to them by this rule-making power. Sir, here is a Bill which bristles with powers of rule-making given to the executive. Sir, I would like to have a complete picture of what the Bill would be and how the Bill would affect the people if the essential provisions were not left to the rule-making power but were definitely incorporated in the Bill. The Princes are declaring to-day that unless they see the whole picture, they cannot decide whether they should enter the Federation or not. I might borrow their language and say that unless and until the whole picture is presented before me, I cannot say whether the Bill should be referred to a Select Committee. Therefore, I do submit that this is eminently a Bill which should go before the public for eliciting their opinion upon it and in the light of these opinions, the Select Committee might discuss the Bill, clause by clause, word by word, so that its unsatisfactory features and deficiencies might be done away with. With these observations, I do support the motion for circulation.

Maulvi TAMIZUDDIN KHAN: Sir, like my friend, Maulvi Abul Quasem, who has just spoken, I also felt that when my esteemed friend, Mr. Narendra Kumar Basu, spoke, he made some remarks which were extremely uncharitable; not only uncharitable but what was worse was that some of the premises on which Mr. Basu based his attacks were altogether unfounded. Sir, let us see how he tried to launch his attack. He said that whatever Sir Nazimuddin handled had a stamp of inauspiciousness impressed on it and nothing that he touched fructified. In saying so, he referred first of all to the Primery Education Act. There is no doubt of the fact that it was Sir Nazimuddin who fathered that famous Act, Now, may I ask my friend, Mr. Basu, whether he was a friend of that measure or not: whether he supported the Bill that was fathered by Sir Nazimuddin. If I remember aright, he was a deadly enemy of the measure. Now, my friend comes forward and complains —although I know that he does not in the heart of his hearts feel it— that the provisions of the Primary Education Act have not been enforced. Sir, I think, and it is a patent fact, that the reason why the Act has not been enforced is to be found not only in the inactivity of the Government, but also in the attitude of a large section of the members

of this House. The responsibility lies not only with the Government, but also with ourselves to a very large extent.

Mr. PRESIDENT: I do not think that you need labour on that point after what I had said on the point at the right moment.

Maulvi TAMIZUDDIN KHAN: Sir, I shall not labour that point. I submit that so far as this Act is concerned, it is extremely uncharitable to fix the whole responsibility upon Sir Nazimuddin.

Secondly, my friend, Mr. Basu, also referred to the Waterways Trust Act, but he conveniently forgot that it was not Sir Nazimuddin who fathered that Act (MR. NARENDRA KUMAR BASU: "I never said that)," but it was Sir Abdel Kerim Ghuznavi who sponsored it; yet Sir Nazimuddin was blamed for its not being enforced. I cannot see any reason why Mr. Basu should blame Sir Nazimuddin for not enforcing that measure. Again, my friend Mr. Basu referred to the Wakf Act. The Wakf Bill was a private Bill; it was not at all a Government measure, and it is not correct to say that it has not been enforced or is not going to be enforced. So far as the Wakf Act is concerned, action has been taken very promptly and no complaint can be made on that score.

Mr. Basu has said that Sir Nazimuddin himself by some of his utterances has supported in a way the motion for circulation, because Mr. Basu says that Sir Nazimuddin does not expect to enforce this measure if it is passed into law within the lifetime of the present Council or the present Government. I do not see how Sir Nazimuddin can possibly think of giving effect to this measure within the lifetime of the present Government. This Bill, if it does go to a Select Committee now, cannot be passed before the July Session of the Council if of course there is a July Session at all. Even if it is passed in the July Session, some time will surely elapse before it receives the required assent. Then some preliminaries will have to be dealt with which will also require some time, and so far as the real enforcement is concerned, I think it is only the coming Government that can do so. Therefore the contention of my friend, Mr. Basu, has no legs to stand upon.

Mr. PRESIDENT: I cannot allow you to go on in this fashion. You had better confine your remarks to the motion now before the House.

Maulvi TAMIZUDDIN KHAN: Now, Sir, as regards the provisions of the Bill, they seem to be quite simple to me. Some of my friends have said that this measure has some very drastic provisions and that

these will adversely affect the interests of the cultivators to a very large extent. I do not know why my friends should entertain such apprehensions. The Bill provides that in case there is a profit, Government will take a share of it; if there is no profit——, (MR. NARENDRA KUMAR BASU: "No, that is not the thing.") That is how I have read the Bill; my friend may have read it in a different way. Sir Nazimuddin has made it very clear in his speech that unless there is any unearned increment, there will be no levy. So, Sir, I think there need be no apprehension if we take a broad view of the matter. Of course, the Bill has its defects: all Bills that have ever been introduced in this House at least as far as my knowledge goes have had their defects: and as it is a measure seeking to explore an entirely new field, it must have some defects; and some of these have been very ably and lucidly dealt with by Mr. Thompson in his admirable speech this afternoon. He has referred to the fact that the *raiyats* may perhaps be unnecessarily harassed by the landlords as an effect of this measure, because if there is prosperity amongst the tenants, the landlords will naturally cast their greedy eye on them and try to increase their rents. The safeguards which have been provided in the Bill, as has been pointed out by Mr. Thompson, are not adequate and he suggests that these are matters which should be left to the Select Committee for detailed consideration. I fully agree with him that some better protection should be given to the tenants and the suggestions which he has thrown out, that in those areas in which this measure will be introduced and successfully enforced, the tenants should in justice be given a fixity of rent. But having regard to the structure of the present House and to the attitude of Government, Mr. Thompson is not very hopeful that such a suggestion will be given effect to. I do not see why Mr. Thompson should be diffident. There is no reason why we should not put forward this point of view with all the emphasis we can command. Everything should be judged on its merits and if this proposal is just and fair and can stand on its merits, I think simply because there are certain adverse circumstances we should not be discouraged to press for it.

Then, Sir, I think there is something to be said in favour of the argument which was advanced by Dr. Naresh Chandra Sen Gupta. His complaint was that the scheme was not a comprehensive one and he said that in trying to benefit some part of the province, probably harm might be caused to certain other parts. I think Government should be very careful to see that such apprehension may not actually materialise. If the water of a river is held up somewhere, it is not unlikely that the parts that are below the place of the barrage may be adversely affected, because the water that is now flowing through and giving prosperity to these lower regions having been held up and distributed elsewhere may gradually lead to the decadence of areas which

now are prosperous. I think, Sir, that that is a point which should not be lost sight of by the Government.

Now, Sir, my esteemed friend, Mr. Sarat Kumar Roy, has taken up a very nice standpoint. He is enjoying the benefits of the permanent settlement, and like all other *zemindars* he is not prepared to give similar benefits to his tenants. He is careful to see that his own revenue is not increased, but as regards his tenants he has no scruples to increase their rents (SEVERAL VOICES: "Question.") But, Sir, look at the peculiar jealousy with which he looks upon his tenants. He is prepared to exploit them as much as he can, but he is not prepared to allow his tenants to be benefited by a Government measure like the one we are now discussing, on the plea that he wants to protect them from exploitation. Sir, what is the reason for his adopting an attitude like this? I think the only reason he could advance, although he has not advanced it, is that the *zemindars* in that case will not be able to exploit them to such an extent as they would like to do. That is the sum total of his arguments when he said that, with a view to protect his tenants he has to oppose this measure. To my mind, there is no substance in what Mr. Sarat Kumar Roy said when he dealt with that point.

Now, the cry has been raised that the Bill should be circulated for eliciting public opinion. But what public opinion can be expected by circulating the Bill. Mr. Narendra Kumar Basu seems to have complained that the Primary Education Act has not been enforced and consequently the people are still illiterate. I full agree with Mr. Narendra Kumar Basu that the people are illiterate. They do not often know what their own interests are. If the illiterate masses have any public opinion, that opinion can only be expressed through their mouthpieces in this House. I doubt if the cultivators have as yet any organisation which has developed to such an extent as to be able to give an authoritative opinion on a measure like this in which the cultivators are vitally interested. Therefore, if this Bill is circulated, it will not be the opinion of the cultivators who are primarily interested, but it will be the opinion of the people who are represented by Mr. Sarat Kumar Roy, that the House will receive. By circulating this Bill we cannot expect to get the real opinion of the people who count, but we shall have only that opinion which we can very well get here on the floor of this House. Therefore, it is not necessary to circulate this Bill.

Adjournment.

The Council was adjourned till 3 p.m., on Friday, the 8th March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 8th March, 1935, at 3 p.m.

Present:

Mr. Deputy President (Mr. RAZAUR RAHMAN KHAN), in the absence of Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 98 nominated and elected members.

GOVERNMENT BILL.

The Bengal Development Bill, 1935.

Mr. DEPUTY PRESIDENT: We shall continue the discussion on the Bengal Development Bill, 1935.

Mr. H. P. V. TOWNEND: Sir, yesterday discussion ranged rather widely on the subject of the merits and the details of this Bill, but I should like to-day, with your permission, to say a few words about certain aspects of it which have perhaps escaped notice of some of the members of this House. This Bill was originally intended as, and is in essence, an anti-malarial measure. When I joined as Local Self-Government Secretary in 1932, I was told to try to put up a scheme for dealing with malaria in Bengal. In June of that year, I put up to the Hon'ble Minister concerned a note saying that, so far as I could see, the only practicable method for dealing with the malaria was to go "back to Bentley." The argument which Dr. Bentley put forward was that only by reviving agriculture in the decadent areas could we get rid of malaria, and the method which he proposed for reviving agriculture was to bring silt-water on to the land. This would improve agriculture and at the same time have the effect of destroying the anopheles larvæ at the only time when anopheles larvæ can breed sufficiently to produce epidemic malaria. The whole of this rested on Dr. Bentley's authority. Yesterday Mr. Sarat Kumar Roy said that he did not believe that, if the Bill was passed and if anything was done under it, the results would be worth the trouble: he did not believe that

agriculture would be improved, and he did not believe that malaria would be destroyed. These were not his actual words, but these were his sentiments. I am not going to attack Mr. Roy, but I am going to ask the House to consider the fact that Dr. Bentley is one of the greatest living experts on malaria. He dealt with this question during twenty years in a series of pamphlets, speeches, books and notes embodying arguments and proofs which I cannot possibly summarise to-day. But I think that, if I quote the authority of some of the greatest malariologists in the world, that should suffice. Years ago when the Rockefeller Institute, in their proposal for an all-American campaign against malaria, summed up the work done by malariologists throughout the world, they ranked Dr. Bentley among the first of practical malariologists. They said that the work that was done by Dr. Bentley at Bombay had never been surpassed. In 1921, when I was on leave, I made the acquaintance of Sir Ronald Ross, who told me "Bentley has proved his case unless he has faked his figures," but no one has ever accused Dr. Bentley of being dishonest. When Sir Ronald Ross came out to India some years later (I think it was in 1927) he stayed with me at Jalpaiguri; and he then repeated his statement that Dr. Bentley had proved his case. Next year, Sir Malcolm Watson, who is one of the greatest authorities on malaria, came out to India; he also stayed with me at Jalpaiguri and he also told me that Dr. Bentley was right about deltaic malaria in Bengal. Incidentally, he said that Dr. Bentley was wrong about anti-malaria measures in the Jalpaiguri-Duars, which shows that he was not prejudiced. Then, two years later, we had a malaria commission in this country, sent out by the League of Nations; there were, if I remember aright, six doctors on that Commission, who may be regarded as among the greatest experts on malaria that the world has seen. I met them in Calcutta. They also told me that Dr. Bentley was right; and, what is more, they repeated in their formal report published in 1930 that so far as malaria in deltaic Bengal went, Dr. Bentley's remedy was the right one. The only criticisms that one hears nowadays on Dr. Bentley's theory are on details: some experts say that his statement of the reasons why silt-water is effective is not correct; but there is no doubt whatever about the results of bringing silt-water on to the land. Well, Sir, the next thing is, will this measure improve agriculture? But in this connection I would prefer to adhere to the principle of quoting experts, each on his own subject. We have had and have experts on agriculture in Bengal—Mr. Finlow, Dr. Hector and now Mr. McLean, three successive Directors of Agriculture. The first and the last of these agree in saying that no one knows as much about paddy as Dr. Hector knows. All three agree that Dr. Bentley was right in saying that silt-water will increase the yield of paddy; and all of them agree that the figures reproduced in my pamphlet are correct. They agree that it is correct to say that for Chinsurah 15 maunds of paddy per acre is the figure

without irrigation, that 28 maunds is the figure with irrigation and that to this you can add 25 per cent. if you have silt. This year we had 800 experiments in crop-cutting. Mr. Thompson yesterday condemned crop-cutting experiments, but he did so because they minimise the actual outturn and not because they exaggerate it: so I can safely refer to them. Our results show that for crops planted up to the end of August in, I think, some 450 different plots in five villages, there was an yield of 29 maunds per acre with irrigation. This is an extraordinary figure when it is considered that, in the area which was not irrigated, there was an yield of only one or two maunds per acre in places near the irrigated area. It is an extraordinary figure, considering that three of the villages did not take the water till drought had injured the crops and in none of them was there full irrigation. The views of the experts are confirmed too by the evidence of cultivators. For years, Government have been bombarded with petitions from cultivaors for silt-water, and they always say that this will get rid of malaria. It seems true that where there is silt-water, you get rid of malaria. I do not know if members of this House can recall the improvement in Burdwan after the floods of 1913. I remember very distinctly what Burdwan was like before 1913, because it was there that I developed malaria which I did not get rid of for years. Before 1913 Burdwan was full of malaria, but, after the 1913 floods as everyone agreed, there was no malaria for some time. In the district of Jessore, as I can say on the authority of Mr. Majid Baksh, malaria has disappeared from Jhenida this year owing to floods. The same is true of Ghatal in Midnapore. In January this year I had special enquiries made there because I had heard of extraordinary results having followed from the coming of silt-water on to the land owing to a breach in the embankments. The District Health Officer made these special enquiries; he reported that in Ward A of Ghatal town where the embankments were intact, the spleen index was 33·8 per cent. (that shows bad malaria), but in two other wards, Gambhirnagar and Alamganj, where the silt water had access, the figures were 3·6 per cent. and 2 per cent. The spleen index was 33·8 per cent. Without silt-water, and 3·6 and 2 per cent., respectively, with silt-water: this seems to me to be definite evidence. As regards the cultivator's views as to the effect of silt-water on outturn, when I began investigations on this whole subject, I asked the Agriculture Department to collect reports from Burdwan and Hooghly districts. I got figures from cultivators in a large number of villages—some on the right bank of the river Damodar and some on the left, some within and some outside the embankments. They had had experience of cultivation with silt-water and without silt-water. The House may be interested to know that they all said that silt-water is advantageous and that the figures which they gave agreed with those at which we had arrived on the basis of the figures from Chinsurah and from the Eden Canal area.

The next factor is irrigation itself. Is it possible to carry out in the decadent areas irrigation schemes which will bring silt-water on to the land? One member, I gathered from his remarks yesterday, holds that because a navigation work constructed some 30 or 40 years ago, has, during the last two or three years, brought about bad conditions in a group of villages, we can dismiss irrigation as useless and say there is no hope for Bengal. With all due respect to him, he was talking of things of which he really knows nothing. Irrigation is possible. It may be that we shall have to get new men and more men, but there is no doubt that we can find irrigation engineers to do what is needed. This is not merely my personal opinion: it is the opinion of experts. I shall quote first the opinions of some of the Chief Engineers in the Bengal Irrigation Department. Many people lately have run down Mr. Addams-Williams. He may have made some mistakes, but no one knew as much about the rivers of Bengal as Mr. Addams-Williams. He said that irrigation was possible. Mr. Roche, his successor, who came from the United Provinces and who had a lot of experience of irrigation, said that it could be done if enough money was forthcoming. Mr. Curry, who is now Chief Engineer and who comes from the Punjab, says that it can be done, but that it must be taken up carefully, after a thorough study of each problem. Our expert member for this Bill, Rai Bahadur Shailendra Nath Banerji, whose views very largely form the basis of the pamphlet distributed by me yesterday, says that it can be done—that Central Bengal can be irrigated. Yesterday Mr. Roy said that before we do anything, we must have a Committee of Experts; and he referred to the Report of the Royal Commission on Agriculture to prove that he was right. It may be news to him that we have already had that Committee of Experts, and it is on their opinion that we are now acting. The Committee was the one usually known as the Hopkyns Committee, to which reference is made in the Statement of Objects and Reasons. It was composed of two experts and one I.C.S. officer. There is no doubt about the competence of these experts. One was the Consulting Engineer of the Government of India, and the other was Chief Engineer of the Punjab Government; and I do not think, Sir, it is necessary for me to say what has been done by way of irrigation in the Punjab. (The former officer was from the United Provinces, and there also irrigation has had results known to all.) The Expert Committee came to the opinion that the problem was primarily one of finance, and not one of technical engineering. This is objected to by Dr. Naresh Chandra Sen Gupta who says that first of all we should have a comprehensive survey made of the whole province and should draw up a comprehensive scheme and that only after examining the whole of the problem in all its bearings would it profit us to look to the question of ways and means, to finance. I have enquired of the Chief Engineer what it would cost to make out the comprehensive scheme which was demanded by Dr. Sen Gupta and which some other members

would also like to see. He could not say that, but he said that the preliminary level survey, which would be needed, would alone cost no less than 29 lakhs of rupees. On the top of that we would have to have our best Engineers at work getting out a scheme on the basis of the survey. I do not know what all this would cost, but one thing is quite certain—we should have to spend several years on it. If this House is prepared to have Government sit idle for several years and meanwhile to allow malaria to kill people all over Bengal, and is prepared to put a stop to this idea of reviving prosperity—very well, it can do so and wait for the comprehensive scheme. But I guarantee that no Finance Member will ever consent to allotting money for the preparation of a comprehensive scheme; because when it was ready it would be useless: it would be too big to tackle. But merely because we cannot deal with one enormous scheme for all Bengal in one lump there is no earthly reason why we should not do anything at all in this direction meanwhile. The only way to deal with these things is to take them up in detail. We would deal first with the deltas of the rivers of Western Bengal where the technical problems are comparatively simple; then with Central Bengal which will entail drawing upon the Ganges; and then with Northern Bengal, if we find it worth while. There should be no risk that the work done in one area should injure another. Western Bengal is quite separate: it can safely be taken up. Then, the water will be wanted during the rains; and if we take the quantity of water needed out of the Ganges in the rainy season, it will have no effect whatsoever on the river itself. Such is also the case with the river Teesta: the water needed will be taken in the season when the river is in flood and when it can be spared. The Nawab Bahadur told us yesterday that the Teesta was an appalling river to deal with and that he was willing to see water taken from it. I know that he is right in this. But I may mention that his criticism of my pamphlet in this connection was not justified. He said that it described a scheme which was not in his opinion worth much. But it did not describe a scheme at all: it referred to possibilities of a scheme about which it might be worth while having further investigation.

Sir, I have not yet come to my main point as to the advisability of circulation. What I am driving at is this. There is not one among these things which I have discussed that can be usefully referred for public opinion. The views of the public on the effect of the Bill on malaria are really not worth having. Their views on the benefits to be expected to agriculture and their views on the technical possibilities of irrigation would be useless practically, and to wait for them would simply mean delay.

Mr. SHANTI SHEKHARESWAR RAY: What about taxation?

Mr. H. P. V. TOWNEND: Yes, I shall come to taxation in due course. There is no taxation in this Bill, as has been pointed out several times. There is here not a taxation scheme but a "contribution scheme" under which Government want to get back something out of the profits earned by their initiative. I want the House to look at this point. A member from Dacca says that this Bill is similar to Act VI of 1920, but it is not. Under that Act, the people have got to pay the cost of any scheme whether it succeeds or not, but under this Bill they would not pay when a scheme proved a failure because there would be no increased outturn to pay from. If a scheme proved a failure Government would recover nothing and the whole cost would fall on provincial revenues. This is of the utmost practical importance. It means that it will be very difficult to persuade the Finance Department to look at any scheme (but, then, under present conditions it is impossible to persuade them, and difficulties are better than impossibilities); it means that every scheme proposed would be examined with the greatest care, and that no scheme would be entered upon unless the risk of failure had been reduced to a minimum. If the risk of failure were great, schemes would not be taken up and progress would be impossible; if you are going to get rid of this difficulty, you must make the Act an elastic one; you must not have provisions which would allow, for instance, an injunction to be obtained from a munsif——

(At this stage the member reached his time-limit, but was allowed by the Deputy President to continue.)

a munsif who may have a very sound knowledge of the law but may not have very sound common-sense. The House will probably remember that in the Municipal Act it was laid down that the civil courts must not interfere in the matter of elections; but a munsif none the less issued an injunction to hold up an election at such a late date that it was almost bound to prevent the holding of the election at all—to postpone it, at least till the next year. Sir, we do not want this sort of thing to occur in a matter of such importance as that dealt with in this Bill.

As regards circulation for public opinion as to the "taxation" proposed in this Bill, I say that the levy is not taxation; but, in so far as it resembles taxation, it is perfectly certain that the cultivator, asked if he would like to pay it, will say "no". Sir, we have had in favour of circulation speeches from members coming from Khulna, Mymensingh, Dacca and Noakhali, none of which districts will be affected by the Bill. In my opinion, at least there is no possibility of applying the Bill in those districts, because there is no likelihood of proving increased agricultural outturn from schemes in those districts and no hope therefore of getting back the money from those districts. This

Bill concerns the people of Jessore, Nadia, Burdwan, Hooghly and the other decadent districts. Why should these districts wait while gentlemen from Eastern Bengal write essays on the evils of legislation by rules and the evils of interference with the civil courts? Sir, it seems to me that it is the members from the districts affected by the Bill whose opinions on the Bill ought to be given weight: but practically no member representing such a district has supported circulation. The Government are very sensitive to public opinion, and, if it had not been a very good case, they would have asked for public opinion.

There were one or two other objections raised yesterday, which seemed to me to be somewhat unfair. We have here a Bill for reviving the decadent areas of Bengal, but criticism came from this side of the House that it did not remedy what was wrong in the Bengal Tenancy Act, and that it did not get rid of the inequalities of the permanent settlement. It seems to me too much to ask that a Bill of this kind should deal with such matters, when it has in it already provisions which are bound to raise a good deal of opposition. But, as regards these provisions, I really think that we may fairly ask for this Bill to be given a fair trial. Government have never yet misused any rule-making power: they may have made bad rules (and then they have altered them) but never yet have they made a rule in order to get a benefit therefrom. Sir, we intend to improve the decadent areas of Bengal by means of this Bill; we need these rule-making powers in order to benefit the people of Bengal: and there is no reason therefore to suspect that Government would use the rule-making powers in order to injure them.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I do not want to condemn this Bill, this production of the Rural Development Commissioner. Sir, he has been engaged in this work for the last two years or so, and a measure that embodies all his research and all his creative energy should not be condemned without full consideration. Sir, I am not saying this in a spirit of criticism, but because I want the House to realise the implications of this Bill. Sir, Mr. Townend has, I believe for the first time, laboured at a new definition of the word "taxation." There is a provision in this Bill that a part of the profits which the tenants or other persons may make should be taken by the Government. He says, that is not taxation. But, Sir, what then about income-tax? Is it not also a part of the income or profit that one makes by one's business acumen. If you do not consider the levy, to be made under this Bill, as taxation, why do you consider income-tax as an item of taxation? In his cooler moments, when he is able to take a correct view of things, I think Mr. Townend will realise that what the Government propose in this Bill is nothing but taxation. Sir, the question now

arises whether this is the time for imposing fresh taxation on the people of Bengal. The most objectionable feature of this Bill is that at a very imopportune moment Government have come forward with a measure of this nature. Moreover, the Government of Bengal have presented this Bill as one in the nature of an ultimatum. In short, they say that they are unable to do any good to the people of this province unless they tax themselves. That is to say, there can be no development, there can be no improvement in the economic situation of the province unless the people of Bengal are prepared to pay more money. Government say that you should pay money before you can expect an economic revival in this province. Sir, that is simply a confession of failure, and all the hopes raised during the last two years are thereby dashed to the ground. In this very Bill is written large the confession of failure on the part of the present Government. Sir, they need not have waited all these months and years for such a confession. A Rural Development Commissioner was not necessary for such a discovery. I do not blame Mr. Townend for this. I know that he has acted only under the instructions of his superiors. Instructions were given to him that he must produce a scheme that must pay its own cost. The Rural Development Commissioner must justify his existence by raising taxation which will pay for his salary and for his labours. That is all it amounts to.

Sir, I shall not try to deal with the details of this Bill. The details were very critically and very intelligently discussed by my friend Dr. Naresh Chandra Sen Gupta yesterday. No one on behalf of the Government has up to this time made any reasonable or successful effort to meet those criticisms. It is no use to try to create a division of the province into East Bengal, West Bengal, North Bengal and South Bengal. I know the Rural Development Commissioner is a very clever debater, but perhaps he did not realise that that part of his argument which he placed before this House with a view to create a division would not be allowed to pass unchallenged. His position is, why should a man coming from Noakhali or Khulna poke into this affair. Why should he be so bold enough to criticise this measure which, as he says, only deals with the problems of West Bengal? Sir, is it not meant for the whole of Bengal? Is not this taxation meant for the whole of Bengal? Is this taxation meant only for West Bengal? Sir, I hope the speakers on behalf of the Government should exercise more caution when they try to convince the House of the justice of the measure, and they should not rely on such doubtful tactics. But even persons coming from West Bengal, namely, our leader Mr. Narendra Kumar Basu, who incidentally gave a chit to the Rural Development Commissioner yesterday, even he criticised the provisions of the Bill. He also criticised the powers proposed to be conferred upon the executive as drastic. Dr. Naresh Chandra Sen Gupta, coming from Mymensingh, may have committed a great sin in trying to point out the drastic nature

of the provisions. The great admirer of this great genius in the Secretariat, namely, Mr. Narendra Kumar Basu, also spoke very vehemently and very strongly opposed such a provision. So I hope the Rural Development Commissioner will have some respect for his views and try to remove these objectionable features.

So far as the merits of the Bill are concerned, I realise that it is an effort towards solving very important problems. We appreciate the efforts of Government in this direction, but at the same time I would suggest to Government that they should give an opportunity to the people in the different parts of the province, to the public bodies, districts boards and municipalities that may be affected by this measure, to have their say. Government may also consult the Hon'ble High Court on the provisions which are likely to take away the jurisdiction of the civil court. I think, fortified by these opinions, the position of Government would be stronger. If the High Court expresses the opinion that in these matters the jurisdiction of the civil court may be abrogated, that would be a very strong argument in favour of the provision that Government are seeking to introduce. But if judicial authorities in the land think that the matter is too serious to be so lightly dealt with, and the powers Government want are too drastic to be delegated to them, then Government should reconsider their position. I am aware, Sir, that in times of emergency Government in every country have to take very drastic powers for the good of the country and for the good of the people and under such circumstances temporary delegation of powers may not be objectionable, but this is not a measure of that nature. We are going to put on the statute book permanently an Act under which formulation of scheme will take years to mature. There is, therefore, no urgency for a measure like this. So a few months may well be spent in collecting opinions, and I hope therefore that the House will support the motion of my friend Mr. Maiti.

Babu KHETTER MOHAN RAY: I rise with some diffidence to speak on this motion after what has fallen from the Rural Development Commissioner. He has said that the Eastern Bengal members have nothing to do with the Development Bill. It was the concern of West Bengal members only, but may I enquire whether there are not dead and dying rivers in East Bengal and whether there are no decadent areas in East Bengal just as there are in West Bengal? The distress in West Bengal due to the dead and dying rivers as also to the decayed rivers is very serious no doubt, but who knows that in course of time the condition in East Bengal may not turn out to be the same as in Western Bengal by reason of rivers in Eastern Bengal also decaying? Unless something is done to arrest the progress of decay, I think in the course of a few years the condition

of the Eastern Bengal people will be as serious as the condition of the Western Bengal people at the present time. With these words, Sir, I now turn my attention to the Bill. First of all I may observe that in spite of what was said yesterday, I cannot but congratulate the Hon'ble Member and the Rural Development Commissioner for the industry, perseverance and patience with which they have tried to grapple with the problem of the dead and dying rivers of Bengal. It must be said in praise of the Hon'ble Member that he has been able to bring before the Council within a short time the present Bill for the development of the rural areas. The problem of the dead and dying rivers is not a new one. I remember distinctly some 30 or 40 years ago, the *Amrita Bazar Patrika* was constantly pressing upon the Government the importance of this problem and urged the Government to save the rural areas of Bengal from the effects of the dead and dying rivers by resuscitating them. But the Government of Bengal under the advice of its experts turned a deaf ear to the representations of the people. The Chief Engineers of the Government considered the schemes of the revival of the dead rivers as impracticable and unnecessary. It was Dr. Bentley who took up the question in right earnest and impressed the Government that the resuscitation of the dead rivers was not only not beyond the range of practical politics but was imperative for reasons of health and for economic development of the country. The Royal Commission on Agriculture drew pointed attention to the importance of the problem of the dead and dying rivers which was made complex owing to the apathy and neglect of the Government and its advisers to tackle the question for more than 50 years. It is a matter of satisfaction to us that the Government have at last awakened to its sense of duty in this respect and is determined to solve the problem as best as it can. It is our duty to co-operate with the Government in its endeavour to resuscitate the decadent areas. The Bill before us is not without its drawbacks. There is no reason for imposing a levy of a permanent nature. If the cost of any scheme is realised in full with interest in the course of a few years, or if the effects of the improvement disappear in the course of time, why should the people be asked to continue to pay levy even after such contingencies? The methods of ascertaining profits should not be left to the rule-making power of the Government. Nowadays, in matters of legislation, it has become a fashion with Government to try to oust the ordinary jurisdiction of the civil courts over matters which a particular piece of legislation is dealing with. I do not see any reason why the civil courts should be ousted of its jurisdiction over the imposition of improvement levy by the Collector. Jurisdiction of the civil courts is a salutary safeguard against the official vagaries, and it ensures due observance of the provisions of law. If you remove the safeguard, you will place the poor cultivator entirely at the mercy of the executive officers who will be entrusted to carry out the provisions of law. I cannot understand why agencies other than those of the

Government should be employed in realising the levy from the people. This levy may be collected just as the irrigation cess is realised nowadays. These and other defects there are in the Bill which, I hope, should receive careful attention of the Select Committee. I feel along with others that the Bill ought to have been before the public before introduction in the Council. I am not one of those who presume that all the wisdom of the country is concentrated within the Council. Public opinion ought to be consulted. But considering the shortness of time at the disposal of the Government, this can be done even after the Bill has been referred to the Select Committee. I hope the Government will take steps to elicit public opinion on the Bill so that the Select Committee may have the advantage of the public opinion before them while deliberating upon the Bill. I have every reason to believe that the Bill will emerge out of the Select Committee shorn of its objectionable features. In this view of the matter I am for referring the Bill to the Select Committee.

MUNINDRA DEB RAI MAHASAI: Mr. President, Sir, I sincerely welcome the introduction of the Bengal Development Bill. It is undoubtedly a move in the right direction. There are differences of opinion, even serious objections, with regard to the provisions of the Bill, but the principle is on the whole sound. We have cried ourselves hoarse for the last few years over the resuscitation of our dead and dying rivers, but it fell on deaf ears. There is a Biblical saying: "Knock, knock and it shall be opened unto you." We have knocked and knocked in vain year in and year out but still we knocked and at last it is going to be opened unto us. The unsympathetic replies, I used to get on the floor of this House to my fervent appeal for reviving our dead and dying rivers made my heart sick, and although I am a bold optimist, pessimism lurked in my bosom in this particular matter. I made repeated tours in the most inaccessible parts of Western Bengal to see for myself the deplorable condition of our waterways. The whole countryside wore a desolate appearance. The once fertile land has been converted into pestilential areas working havoc throughout the length and breadth of this vast area. The fertility of the land had deteriorated to an alarming extent and practically there was little demand for land, and waste lands were on the increase year after year. Malaria was eating into the vitals of the nation. Death and desolation always stared them in the face and they became despondent. Nothing was held out to them to draw hope for the future. Not a finger has ever been raised to bring back to life these dying and dead rivers. Experts like Sir William Willcocks were held out to be wild visionaries and the grand scheme outlined by him to revive the waterways was turned down as impracticable. And no alternative constructive suggestion was ever offered to us till we had the supreme pleasure of hearing

from the lips of His Excellency that his Government would shortly introduce a Bill for the development of the decadent areas and within a week this most important Bill was introduced. I do not find adequate words to thank His Excellency for his genuine solicitude for the well-being of the people placed under his charge. The setting up of the Economic Board of Enquiry, the development of the Industries Department, the formation of mortgage banks and such other beneficent measures have already endeared His Excellency in our heart of hearts and the present measure will further raise him in our estimation as one of the greatest benefactors of the province. My esteemed friend, the Hon'ble Khwaja Sir Nazimuddin, the Member in charge of the Bill, and the Rural Development Commissioner, Mr. Townend, also deserve our hearty congratulations on the bold step they are going to take to launch such a beneficent measure which I trust will bring back health and wealth which have left the countryside for good. If they succeed in this laudable attempt, their names along with Sir John Anderson will ever be fondly remembered as real saviours of Bengal. I admit that the Bill is not an ideal one—it has got its imperfections. Even with the objectionable features of the Bill, I welcome it as a beneficent measure with immense possibilities for the future development of the country. The Bill is capable of improvement either in the Select Committee or on the floor of the House, but there cannot be any possible objection to its circulation if the House so decide and that can be done before the Select Committee meets in June next when the opinions may be placed before them for consideration. Reference has been made about the Magrahat Sanitary Drainage Act—I call it not a sanitary but an insanitary Act, because the scheme has done more harm than good in certain areas, especially as it has affected the health of the people. I know from personal experience that once healthy villages have been converted into insanitary areas and malaria now rages whree there was none. Government would do well to make necessary enquiries through experts as to the reason of the advent of malaria after this scheme came into operation before launching out similar schemes. With these few words I support the motion to refer the Bill to a Select Committee.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: If I may be permitted to participate in this debate, I may say, coming as I do from the tract of country which might be said to be a decadent area without making an attempt geographically to say whether it is north or south or east, that we ought to speak a few words in a matter of such far-reaching importance. I feel there is one thing which I wish to communicate to you and to the members of this House; if you believe that a measure like this is a necessity for Bengal, if you believe that Bengal,

more than any other province, requires silted water, do you not think that any delay in passing this measure means carrying death to the doors of the people more and more? We are in the midst of circumstances in which any amount of hurry is a matter of welcome, and I feel as one belonging to this area that if the House sit up together and pass this measure to-morrow, I, at least so far as my district is concerned, am prepared to take the responsibility, and I am speaking with all the responsibility that I have that they will welcome the measure if you can bring it to the statute book as a piece of legislation. Sir, the conditions in which they live at present are such that any delay in passing this measure will bring tears to their eyes. I remember that there has been much attempt made both by the District Board of Jessore and the District Board of Nadia in this respect, and I hope that the conference which is to meet to discuss the Joynagar Cut may be held early, because they feel that if there be any further delay in this matter, it will mean that this season would pass. Now, if you make any delay in passing this measure, next year will also pass away without making any headway. Now, it must be remembered that if this Bill is passed, then Government will have to initiate proposals which are likely to benefit the people and there is also a likelihood of Government getting some return. Secondly, if any benefit does accrue to the people, Government is entitled, in lieu of the expenditure they will incur, a certain amount of return. In giving effect to a Bill like this you have got to meet so many vested interests that you have got to provide for drastic power, because unless very drastic power is given to some authority—that drastic power should of course be scrutinised and certain safeguards provided—it is not possible to do anything. Therefore, some drastic powers are necessary. The House will remember that I was myself very anxious to introduce a Bill to save my part of the country, namely, by the Nadia Waterways Bill. That Bill was not accepted by the House. Unfortunately, the whole difficulty to-day is that there is no machinery to work such a measure. With a view to do this, this Bill has been introduced. I do not wish to take much time except to point out that in a matter like this, which is so much of importance to Bengal, we should not brook any delay, because any delay will be dangerous.

Mr. P. BANERJI: In rising to support the motion for circulation, I must say that the object of Government in introducing this Bill is an attempt to regain the lost prestige of the British administration. I was surprised to hear Mr. Townend stating the opinion of Dr. Bentley. I claim to have personal acquaintance with Dr. Bentley, and he told me that as Government turned a deaf ear to his opinion and recommendations regarding malaria in Bengal, he went away in disgust. I am

therefore very much surprised that Government does not now feel ashamed to quote the opinions of Dr. Bentley. To my mind the object of Government in doing so is to gain public sympathy on their side. Now, if Government attaches so much importance to the opinion of Dr. Bentley, may I ask why Government did not accept his opinion and recommendations. When he was here in active service Dr. Bentley was of opinion that the cause of malaria was due to the defective railway embankments. The water on both sides of the railway embankments were left to stagnate, and this was the primary cause which led to the prevalence of malaria in the countryside. It was also the opinion of the greatest expert that the cause of malaria was due to the defective railway embankments. Government, however, have done nothing during the last 50 years in this respect. Now the Hon'ble Khan Bahadur Azizul Haque thinks that the people of Nadia would welcome such a measure if it is placed on the statute book. Mr. Townend said that the survey of such a scheme would cost Rs. 29 lakhs.

Mr. H. P. V. TOWNEND: I said that the comprehensive survey suggested by Dr. Naresh Chandra Sen Gupta would cost 29 lakhs of rupees. I did not say that the surveys necessary for the schemes contemplated by this Bill would cost so much.

Mr. P. BANERJI: He did not give any facts and figures and could not refute the argument of Dr. Naresh Chandra Sen Gupta when he said that there must be a comprehensive scheme for this purpose for the whole province, as there is no part of Bengal which is free from malaria. Mr. Townend pointed out that it was East Bengal that does not need any such scheme.

Mr. H. P. V. TOWNEND: On a point of personal explanation, Sir——

Mr. P. BANERJI: I am not going to yield as Mr. Townend has not raised any point of order.

Mr. DEPUTY PRESIDENT: You must let me hear what Mr. Townend has to say.

Mr. P. BANERJI: On a point of order, Sir. Is it your considered ruling that I should yield? So far the custom in this House, has been,

it seems to me, that if any hon'ble member stands up on a point of order, it is incumbent on the member speaking to yield and to sit down; but if that gentleman stands up on a point of personal explanation do you rule that I should yield?

Mr. DEPUTY PRESIDENT: If I want to hear his personal explanation, I can ask him to speak.

Mr. H. P. V. TOWNEND: I did not say anything about the needs of Eastern Bengal as the hon'ble member suggests who just now spoke. I may say that this is the third mistake which the hon'ble member has made with respect to my speech.

Mr. P. BANERJI: Mr. Townend just now told us that the districts of Khulna and Noakhali have not been included in the scheme that has been placed before us, because these places are not malarious. I want to submit, Sir, that there are places in the Satkhira subdivision and in the Kalaroa thana according to the last census the population of which has deteriorated to a very considerable extent and my friend Maulvi Abul Quasem will bear me out if I say that the population in the Phultala thana, which is adjacent to the Jessore district, has also greatly decreased. It is well known in this House that there is malignant malaria in the Brahmanberia subdivision of the Tippera district where over 200 deaths occurred in one month. In Noakhali also I can show from the same report that there has been a decrease in the population. If that be the case and if it be the desire of Government to remove malaria from the country, I fail to understand why these portions of the province have been excluded. If it is suggested that there is no malaria in these parts, then the census report and their own map tell a different tale altogether. Therefore, it is only meet and proper that a comprehensive scheme should be prepared before Government could venture on such a measure. Some members have pointed out that many of the provisions of the Bill will be changed in the Select Committee. It is very interesting to find that amongst the members of the Select Committee very few come from the decadent area. Of the 22 members only 7 members come from the decadent area. It is, of course, possible for Government to rectify it even now. I, however, understand from the lobby gossip that Government is going to add about half a dozen more to the list of members already proposed. I do not grudge their visit to Darjeeling, because the Hon'ble Member has said that the consideration of the Bill would require their undivided attention. They will therefore be able to do it

much better in the cooler atmosphere of Darjeeling. But there is another side of the thing: the members of this House find it very difficult to give the same amount of consideration which is required, because Government always wants to hurry up such measures and put them in the statute book. I therefore do not see that there would be any harm if the Bill is circulated for eliciting public opinion. Government can wait for two months. We have waited for so many years, and I do not think there will be any harm if we are to wait for another two months. The difficulty arises in the matter of consultation by the Expert Committee. It is usual for the Select Committees to examine witnesses from public bodies and associations. (A VOICE: "It is very unusual.") Well, one of my friends here says that it is very unusual. I might tell my friend that that is the rule. We have done it in the case of the Amusements Tax Act, as well as in many other cases. So, if the Select Committee meetings are held in Darjeeling, it will be very difficult for them to examine witnesses. But it would have been easy for them to do so if they met at Calcutta. Therefore, I consider that it would be better for the Select Committee to hold its meetings in Calcutta than Darjeeling, and I hope the Hon'ble Member will see his way to accept this motion.

With these words, I support the motion.

(The Council was then adjourned for 15 minutes.)

(After Adjournment.)

Maulvi ABUL KASEM: Sir, I move that the question be now put.

Mr. DEPUTY PRESIDENT: I think that the House would like to hear the Hon'ble Member in charge. So I would call on the Hon'ble Member to speak by way of reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is gratifying to find that practically most of the members who have spoken on this Bill have accepted the main principle of the Bill. There has been a certain amount of strong criticism of the details of the Bill, and I am not surprised. As a matter of fact, if there had not been those criticisms, it would have been a matter of surprise, because, as I said in my speech yesterday, Government are asking for extraordinary powers in this Bill and as a rule such powers are not demanded by Government. Therefore naturally the members of the Council have taken objection to them and expect us to justify the taking of these extraordinary powers. I would like to submit to the members that a member who is in charge of

a Bill generally wants a smooth passage of the Bill and he does not put in provisions which are likely to give him trouble in getting his Bill through the Council, and if such provisions have been put in, it has been done so only because it has been found that without them it would be difficult to give effect to the other clauses of the Bill. The difficulty with which I am faced is that it is not possible in a speech to explain to the members each one of those clauses against which exception has been taken. There are matters which can be gone into in the Select Committee. Round the table it can be discussed and explained why these drastic provisions have been made in the Bill, and after they have been discussed in the Select Committee the Council will again get an opportunity when the Bill is considered clause by clause. Then Member in charge of the Bill will get an opportunity to explain why they have been provided for. Mr. Townend has in his speech given some idea why some of these clauses have been provided. Let us take the question of the jurisdiction of the civil court. I realise that it is a very serious matter taking away the jurisdiction of the civil court on some of the questions which are in this Bill, but they have been done simply because it is felt that if we do not take away the jurisdiction of the civil court, it will be practically impossible to undertake any big scheme (DR. NARESH CHANDRA SEN GUPTA: Hear! hear!"). I know that that is the retort which Dr. Sen Gupta would make, but I repeat again that unless we sit round the table, it is not possible to convince the members that it is necessary. Then take again the question of assessment by executive authority. Here again there are practical difficulties. Those difficulties can only be explained round the table or when you are dealing with them clause by clause. Now, the question that is before this House is whether this Bill should be circulated for eliciting public opinion thereon. Sir, I would have been very glad to agree to this proposal if I had felt that it would be of any assistance to this House to obtain the opinion of the public on this question. The reason is obvious. What are the questions on which we want the opinion of the public? The main and the fundamental principle of the Bill is the question of the levy: that is the main principle of the Bill. The majority of members of this House have accepted it. So, that is not one of the questions on which the opinion of the public is necessary. If the members of the Council contend that that is a point on which opinion is necessary, then they are not agreed as regards the main principle of the Bill. If you do not accept the question of levy, then the whole Bill is useless. Therefore, as far as the question of circulation is concerned, the question of levy is not one of the points on which this House wants to elicit the opinion of the public. I will deal with the question of levy later on.

Then, Sir, let us take up the other questions, viz., the jurisdiction of the civil courts, the assessment by executive authority, the inherent right of compensation, and one or two other matters. The members here

have already expressed their opinion, and we cannot expect the public to express a contrary opinion. It is obvious that unless and until the House knows the reasons—why Government have made these provisions in the Bill—there can be no other opinion but opinion against them. I am prepared to admit, and I do not deny it, that it is natural and that it should be so. But Government maintain that if they are given an opportunity to explain to the members, they will be able to show why these provisions are necessary. The Bill is intended to serve the purposes for which it has been framed, viz., to improve and resuscitate the decadent areas in Bengal. Therefore, I feel, Sir, that we will not gain very much by agreeing to this demand for circulation. On the other hand, as my hon'ble colleague, the Hon'ble Khan Bahadur Maulvi Azizul Haque, has said, it is necessary that we should push on with this Bill as quickly as possible. Let us see what will happen if we agree to circulation. It will mean that the Select Committee will have to sit during the July Session. This Select Committee is not going to be one which, as a rule sits at the same time when the Council Session is going on. Now, that is a very important point which I should like to impress upon the members of this House. It will be a very large Select Committee, and if that Committee are going to do their work properly by paying undivided attention to it, it will not do for them to sit one or two hours at a time. We want regular work from the Select Committee, because the details are very intricate and complicated and the pros and cons of the question are going to be discussed, which cannot be dealt with in a hurry at meetings where the members will be walking out to take part in the proceedings of the Council.

Sir, my friend, Mr. Shanti Shekhareswar Ray, suggested that the meetings of the Select Committee should be held in Calcutta. The obvious objection to that is that most of the members, or at any rate some of the important members——

Mr. SHANTI SHEKHARESWAR RAY: I never suggested that the meetings should be held in Calcutta. (VOICES: "Somebody else.")

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry, Sir. It was Mr. P. Banerji who suggested it.

Maulvi ABUL KASEM: I also suggested it, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: As I was saying, some of the important members of this House—especially those who are resident in Calcutta—object to attending meetings of the Select

Committee early in the forenoon, that is to say, before 1 o'clock. As I have said before, we have Sessions of the Council in the afternoon, and it will mean interference with the ordinary work of the members. (MAULVI ABUL KASEM: "Perhaps, there will be no Session in July.") (MR. SHANTI SHEKHARESWAR RAY: "Why not in May?") If the hon'ble members had followed my speech with care, they would have found that if we agreed to circulation then, the meetings of the Select Committee would have to be held in July. Therefore, it is necessary, Sir, that the Select Committee should sit in Darjeeling, where we can work from 10-30 a.m. till 5 p.m. (Cries of "Hear! hear!") and where members will be able to give their undivided attention to the work. Well, I make no secret of it. There we shall not have members who on account of attending to their own business—such as cases in law courts—will not be able to attend, and thus important provisions will not have to be postponed and dealt with all over again. It is not an easy question; it is, indeed, a difficult question, and we require the undivided attention of the members of this House. Therefore, it is necessary that the Bill should be referred to the Select Committee immediately.

Then, again, Sir, another important point is that delay in the passage of the Bill will mean a difference of one year, as my colleague, the Hon'ble Khan Bahadur M. Azizul Haque has pointed out. We want to get on with the surveys, the collection of data, and the preparation of schemes. But it is during the winter that this work can be undertaken, and to lose the time by having this Bill passed in either the January or the March Session, it will mean that we shall lose another year. So, I submit to this House that if it means business—and I am sure it does—and if the member approve of the principle of the Bill, there should not be any delay by agreeing to a circulation of this Bill.

Now, Sir, I shall try to deal with some of the points raised by the various speakers. First of all, I should like to clear up a few of the misapprehensions which still exist in the minds of some members. The important question about the imposition of the levy has been stressed by the Hon'ble Khan Bahadur M. Azizul Haque and Mr. Townend. I would, however, repeat that the levy will only be realized when it is definitely certain that the persons who are being called upon to pay the levy have got increased *unearned increment*. Supposing, for reasons for which they are not responsible, without any fault or neglect on their part, they do not get the profit which has been assessed by Government, then in that case there is a provision for remission. Supposing, for some reason we find that the scheme proves to be a failure and it has not done the benefit which was expected from it, then Government will bear the cost.

Mr. NARENDRA KUMAR BASU: Sir, has the attention of the Hon'ble Member been drawn to clause 3?

Mr. DEPUTY PRESIDENT: Are you rising on a point of order?

Mr. NARENDRA KUMAR BASU: No, Sir. I am rising on a point of information.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, clause 3 does not go contrary to what I have said. It is absolutely clear that at every stage an opportunity has been given to the people, living in the benefited areas, to submit representations to Government and if it is found that they are not getting the benefit promised to them, they are entitled to remission. Government have provided that remission should be given in such cases. After all, the fundamental principle of this Bill is that we are going only to take up to eight annas of what the people are going to get. If they do not get anything, there will be no payment, that is one of the important principles in the Bill. Therefore, there can be no question that it is a taxation like the income-tax, and there can be no comparison between the two. I will not, therefore, take up the time of this House in labouring on this point.

Than, Sir, I come to the question of a comprehensive scheme, and as to why Government have not got some definite facts and figures to place before this House. What are the facts as regards this Bill? The facts are that we have had in Bengal the decadent areas where the people have been crying out for something being done to give them relief. So long Government have not been able to do anything. Why? Not because nothing could be done, but because the amount required was so great that there was no possibility of financing the scheme; and the result has been that the experts of the Irrigation Department have not had the heart to take up, or work out, any scheme or to obtain any data. What is the use of labouring unnecessarily and preparing a big scheme which was expected to cost, say, two or three crores, or, at the lowest, Rs. 50 lakhs, when they knew definitely that the provincial revenues could not bear the burden of such a scheme. There was no question of being able to finance such a scheme, and that is the reason why you find that we have not got the facts and figures that are necessary and why the fundamental principle of the Bill is the question of a levy. Once there is a hope or a prospect that it would be possible to finance the scheme, then the Irrigation Department experts could take up the question and work out the scheme. (DR. NARESH CHANDRA SEN GUPTA: "Is this Bill a heart stimulant for the Irrigation Department?")

Sir, as I have said before, it is only when it is possible to finance the scheme that it will be taken up and at every stage opportunity will

be given to the public to test the scheme. (A VOICE: "When?") By passing this Bill you are not committing anybody to any particular scheme. Suppose we put up a scheme for dealing with the Burdwan area, or any area in Nadia, or Jessore, or Bankura; the scheme will be published; Government will declare that a definte area is going to be benefited; such and such work is going to be done; and the amount of profit that is expected to be derived; and the improvement that is expected to be carried out. The people concerned will have the right to question these points, and their objections will be examined. (A VOICE: "By whom?") They will be examined by the experts of Government, and these, in their turn, will be dealt with by members of this House, which will by that time have a Minister in charge of the Irrigation Department, who will be responsible to the legislature. And this incidentally explains why I mentioned in my speech that the Act will be given effect to at the time when provincial autonomy will have been introduced in Bengal. There is no possible chance of any scheme being undertaken in the next year, and within a year's time we shall have provincial autonomy. That is the reason why I made that suggestion. I should, also, like to take this opportunity to explain why in regard to the Bengal Waterways Trust Act nothing has been done. If members of this House, who raise objections or criticise our actions, would only remember what takes place, there would be no necessity for criticism. One of the members of the House then raised the question that the Waterways Act should not be enforced until and unless the economic condition of this province improved. Nawab Bahadur Sir A. K. Ghuznavi gave a definite undertaking in this Council that the Waterways Act would not be enforced until the economic conditions improved. That is the reason why no action has yet been taken upon it, and that is a matter which ought to be within the knowledge of every member of the House.

Sir, I will now deal with the points that have been raised by various speakers. Mr. Sarat Kumar Roy, a representative of the landholders of Bengal, I regret to say, has taken a very unfortunate attitude on this question. One could understand if he had said that the Bengal landholders are the owners of land and they will undertake to finance the schemes and they are entitled to the eight annas, but I cannot understand him when he says that neither will they themselves do anything nor allow anybody else to do so or allow the condition of their tenants to be improved. I could have understood him if he had accepted the Bill and then questioned the provisions regarding the collection of the levy by any other agency than the landlords, but to say that they do not look with favour upon the Bill, which is intended entirely to benefit the tenants and ultimately themselves, is a thing that I cannot understand. What is the position of the landlords of Bengal at the present time? Every one of them complains that owing to the

reduction in the income of the cultivators they are not in a position to collect even 50 per cent. of their rents and that their legal charges are over 25 to 30 per cent. and their present position is deplorable. But when Government come forward with a Bill which will improve the condition of the cultivators, and which will place them in a position to pay their rents regularly and put also some extra money in their pockets we find the *zemindars* adopting a hostile attitude. Encouragement should at least have been given and not cold water poured upon this Bill.

Sir, I will now refer to Mr. Thompson's criticisms. I was rather surprised that he should have brought in the analogy of the Bengal Tenancy Amendment Act regarding the appointment of an Expert Committee before the introduction of the Bill. Anyone who knows the history of the Bill and the opinion of the public at the time on the Bill knows that when the Bill was introduced in the Council it was neither liked by the landlords nor by the tenants and Government had the greatest difficulty in getting the Bill through. Every year in the Council attempts have been frequently made to bring forward an amending Bill and no one was satisfied with the Bill that was passed. An Expert Committee was appointed before the Bill was introduced. But did the Government gain anything by it? Anyhow, that did not enable Government to introduce a Bill which would be acceptable to *zemindars* and tenants alike. Then, Sir, he raised various questions and asked whether I would have any objection to his putting them for consideration in the Select Committee. As long as they do not offend any technical rules, there is no reason why they should not be considered by the Select Committee, and I would certainly not stand in the way of their being discussed in the Select Committee. I may also say that so far as Government are concerned they will not raise any technical objection.

Sir one must sympathise with Maulvi Abul Kasem. He made a pathetic speech yesterday and everybody was moved by the description he gave of the conditions of the area from which he comes and which he represents. But the question I will put to Maulvi Abul Kasem is this. What is it that you want? We realise that your area is a decadent area, we realise that something should be done, but we realise also that, to be able to do anything for you, it is necessary that crores of rupees should be spent and you should also know that this province cannot afford to spend crores of rupees. There may be a great deal of justification in the complaint that the Burdwan Division has been paying a far more and very much higher sum in Government revenue than Eastern Bengal has ever done.

Maulvi ABUL KASEM: Ten times more.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, ten times, and it may be twenty times more. Nobody will question you on the fact, but at the same time the patent fact is before you that the finances of this province do not allow us at the present time to undertake schemes costing one or two crores, without those schemes being remunerative and self-supporting. Under the circumstances what should be the attitude of Maulvi Abul Kasem? Is he going to say: "No, I will not have any improvement which is going to bring health and more money into the pockets of the tenants in those areas"? This is a plain question. Nobody denies the injustice that may have been done to them. Nobody denies the difficulty in which they are now at the present time, but at the same time we would like the people of that area to recognise the difficulties of the Government of Bengal also. The Budget is there before the members and it is obvious that expenditure on big schemes cannot be provided in it.

Sir, Mr. Narendra Kumar Basu has launched yesterday one of his usual personal attacks on the members of the Treasury Benches. Members of the Treasury Benches have begun not to take Mr. Basu seriously when he speaks in the Council.

Mr. NARENDRA KUMAR BASU: Your hide is too tough.

The Hon'ble Khwaja Sir NAZIMUDDIN: And what is more, they know that he can launch these personal attacks with impunity because members of the Treasury Benches never hit below the belt.

Dr. Naresh Chandra Sen Gupta yesterday criticised this Bill rather seriously. I have had the pleasure of knowing him as an Administrator and Provost of the Jagannath College, Dacca, but in spite of his administrative experience I think he is a theorist and is carried away by his theories, but we recognise that when he speaks he speaks with sincerity and conviction. We may not agree with him, but at the same time we recognise that he puts up his points because he believes in them. As I said before, it will be possible I hope, given opportunity and time, at least to convince Dr. Sen Gupta that under the circumstances there was no option but to ask for the drastic provisions which we have asked for in the Bill. I have tried to explain and Mr. Townend also tried to explain why it was not possible or practical to have a comprehensive scheme prepared beforehand. Mr. Townend has also explained that it is possible to frame schemes for parts of areas. Let us take those rivers that are going to be flushed by the Ganges. Here the problem is one. Then let us take the rivers that are flushed by the Teesta; here the problem is different. There are certain areas that may be flushed by some other rivers, and everywhere it is possible to take up those schemes separately. I may assure the House that before a scheme is introduced, irrigation experts are consulted and the public will see that when undertaking a scheme Government will make themselves practically

sure that other areas do not suffer by the new work. I may cite as an example what has happened just now with reference to certain questions regarding Jessore and Nadia. It was suggested that there should be a cut called the Joynagar Cut there. The Irrigation Department at first were not in favour of it because they felt that it might prejudice the flow of water in the Mathabanga above. But later on, after they had satisfied themselves, they came to the conclusion that if the cut was made, there would be no difficulty as regards the flow in the Mathabanga. Similarly, there are other schemes on a minor scale where the Irrigation Department do not agree until and unless they are reasonably satisfied that if the improvement is effected other areas will not suffer. I may say in this connection that only during the last month when I went on tour to Bogra the same question was again raised regarding the flow of the Karotia through Rangpur and Bogra. The people of Rangpur were of opinion that if the revival of the Karotia took place some areas in Rangpur would suffer; but we shall not pronounce any definite opinion until we are sure by facts and figures whether those areas would suffer or not. So when a big scheme is contemplated it will be the duty of the experts to see that by undertaking a scheme other areas do not suffer. After all there will be no gain if we seek to improve an area (A) and reduce the area (B) to the condition in which (A) was. After all members of this House should give some credit for common-sense to the experts of Government. Sir, I will not enter into a discussion about the details mentioned by Dr. Sen Gupta, but I can give him an assurance that I will take the earliest opportunity of placing him the facts and figures, but unfortunately he is not in the Select Committee; but I will try my best to convince him. As far as the members are concerned, if any one of them would like to discuss the question with me or Mr. Townend or any expert, for instance, Rai Bahadur Shailendra Nath Banerji, or Mr. Sachse, they will all be very glad to give him any information they require on these points.

(Here the member reached the time-limit, but was allowed to conclude his speech.)

Now I would like to appeal to the members of the House. You have before you a definite scheme in the shape of this Bill which I want you to consider very seriously. If this Bill is passed, it does not commit the members of the House or Government to a definite or particular scheme. All we want is power, which will enable us to prepare and come forward with schemes and every one of those schemes will have to be discussed in this House and justified in this House before it can be taken up.

Mr. NARENDRA KUMAR BASU: It is not in the Bill.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, if Mr. Narendra Kumar Basu will only look a little beyond his nose, he will understand

that every one of these schemes will have to be financed, and the Member will have to come with a demand for it and every scheme will have to be discussed before the legislature before it can be passed and sanctioned. Therefore, every one of the schemes under this Bill will have to be justified before this House and their approval and sanction obtained before a single step can be taken by Government; not a penny can be levied, not an inch of work can be done until and unless we have received the sanction of the House. Therefore, I would repeat that all I want is power to prepare schemes and come up with definite proposals before the House so that they can be approved; if not approved, they can be rejected. That is all that we want, and I am sure the House will not prevent us from getting what we ask for.

Mr. DEPUTY PRESIDENT: Before taking up amendments dealing with the personnel of the Committee I shall first of all take a decision on Mr. Maiti's motion that the Bill be circulated for eliciting public opinion thereon.

The motion of Mr. R. Maiti that the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1935, being then put a division was taken with the following result:—

AYES.

Bal, Babu Lalit Kumar
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Kasheb Chandra.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Guha, Babu Profulla Kumar.
Haque, Kazi Emdadul.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Babu Guk Lal.
Pani, Sir Hari Sankar.
Quasem, Maulvi Abul.
Ray, Mr. Shanti Shekhareswar.
Sent, Babu Nagendra.
Roy, Babu Jitendra Nath.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Nem Chandra.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Syed Nawsher.
Banerji, Rai Bahadur Shailendra Nath.
Barma, Babu Prombari.
Barma, Rai Sahib Panchanan.
Bazir Uddin, Khan Sahib Maulvi Mohammed.
Benjamin, Mr. N. D.
Birkmyre, Mr. H.
Bhadra, Mr. S. N.
Bose, Mr. S. M.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Affaznamnas.
Chaudhury, Maulvi Abdul Ghani.
Das, Babu Saroprasad.
Dutt, Mr. G. S.
Ezaddi, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gladding, Mr. D.
Gulbris, Mr. F. G.
Hakim, Maulvi Abdul.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. B. V.
Hogan, Mr. F. T.
Hoisala, Maulvi Mohammed.
Hoshia, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Nasim Ali.
Khan, Maulvi Tamizuddin.
Lassen, Mr. G. W.
Lockhart, Mr. A. R. E.
Martin, Mr. G. M.
Miller, Mr. L. S.
Mitter, the Hon'ble Sir Brojendra Lal.
Nag, Reverend S. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Rahaman, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur.
Rahman, Maulvi Aziz.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.

Ray Chaudhuri, Mr. K. S.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijay Prasad Singh.
Sadullah, Maulvi Mohammad.
Sahay, Mr. F. A.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Mr. B. R.
Sulaiman, Maulvi Muhammad.
Steven, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Townend, Mr. H. F. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Sir John.

The Ayes being 21 and Noes 59, the motion was lost.

Babu KHETTER MOHAN RAY: I beg to move that after the name of Rai Bahadur S. N. Banerjee, the following names be inserted, namely:—

(1) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(2) Mr. Saileswar Singh Roy,

(3) Khan Sahib Maulvi Mohammed Basir Uddin,

(4) Khan Bahadur A. F. M. Abdur-Rahman,

(5) Babu Satish Chandra Ray Chowdhury,

(6) Rai Sahib Panchanan Barma,

(7) Maulvi Abdul Hakim,

(8) Maulvi Syed Majid Baksh, and

(9) Babu Khetter Mohan Ray.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I want to say one word: Government are prepared to accept this motion.

Maulvi ABUL QUASEM: Sir, I wish to offer unqualified, uncompromising and vehement opposition to the motion of Babu Khetter Mohan Ray. Sir, a Select Committee should be a small business-like body, consisting of people possessing special knowledge and experience, drawn from different sections and groups of the Council. I do not understand on what grounds the names of these additional men have been suggested. The mover has conveniently kept silent as to his reasons. We have been told by the Hon'ble Member that the Select Committee is expected to give its undivided attention from day to day to the consideration of the Bill and that a Committee like this could not be held in Calcutta, and therefore it should be held on the cool heights of Darjeeling. In this House out of 140 members can we not get 22 members to do the work here in Calcutta?

Mr. DEPUTY PRESIDENT: Mr. Quasem, we are now dealing with the personnel of the Committee and nothing else.

Maulvi ABUL QUASEM: Sir, the thing is this, that Government are going to develop Bengal and their present finances do not permit of such

a thing and so the people to be benefited must be made to pay the cost, but in the meanwhile in trying to develop the province—which is rather a remote and doubtful possibility—Government are going to develop the health of some people by taking them up to the cool heights of Darjeeling at public cost. I vehemently protest against any Committee being held in Darjeeling. Many members of this House have got a grievance on the score of the hill exodus of Government and the consequent waste of money. We cannot allow money to be wasted in this way. We feel that the Select Committee should be held in Calcutta and without the addition of the members now proposed. With these words I offer my uncompromising opposition to the addition of these members to the Committee which is already large enough.

Dr. NARESH CHANDRA SEN GUPTA: Like Mr. Quasem I oppose this motion. I would draw the attention of the Hon'ble Member to a few facts. I do not know whether he has counted the total number and whether he believes in superstition. The total number is 22 *plus* 9, *i.e.*, 31, the inverse of 13. Well, it does not bode good luck to the Bill. That is the first point. The second point is that amongst the names of these members I find that Government has not made a speciality of taking experts, or of persons having special knowledge of the irrigation areas. I of course happen to be a poor ignorant fool who has no knowledge of Burdwan or of Northern Bengal. But here is Babu Satish Chandra Ray Chowdhury, Babu Khetter Mohan Ray and Maulvi Abdul Hakim who know less than myself about Burdwan and Northern Bengal. My friend Babu Khetter Mohan Ray is labouring under a delusion. He is not going to have any such scheme in East Bengal; I can assure my hon'ble friend of that. Therefore I do not see why these gentlemen should be there. I can understand Mr. Syed Majid Baksh's name being there. I should be very glad to have him alone; but the Government have unfortunately forgotten all about him perhaps because he knows too much about irrigation. With regard to others, Raja Bahadur Bhupendra Narayan Sinha, Mr. Saileswar Singh Roy, Mr. A. F. M. Abdur-Rahman, they will be ornaments of the Select Committee, but only ornaments and nothing more. I do not believe in ornaments—I do not wear any; and I do not want the Government going in for ornaments at their age—at the fag end of its life.

Mr. SHANTI SHEKHARESWAR RAY: Sir, the Hon'ble Member in charge of the Bill has already accepted the names. So, perhaps it is no use saying anything on the subject. But Sir, I would like the Hon'ble Member to state on what grounds he accepted these names. In accepting the names, either he pleads guilty to the charge of having drawn up the previous list without thought, without consideration and without knowledge, or some names had been put up before him by his

Secretary and perhaps at some late hour at night he had given his consent to do so when he was too tired to scrutinise the names and judge for himself whether the names contained in the original list were worth retaining. Sir, yesterday my friend, Mr. Narendra Kumar Basu, suggested that the Hon'ble Member who came from Dacca had very little knowledge of things in West Bengal. He said something more, but later on he conceded and assumed that the Hon'ble Member had some sympathy for West Bengal. It was not a question of assumption; if he had looked through the list he would have found that the Hon'ble Member had sympathy for West Bengal, because if you look to the original list, you will find that there were eight Hindu names from West Bengal and not a single Hindu name from any other part of the province, none from North Bengal and none from East Bengal.

The Hon'ble Khwaja Sir NAZIMUDDIN: What about Mr. Sarat Kumar Roy?

Mr. SHANTI SHEKHARESWAR RAY: Mr. Sarat Kumar Roy represents the Presidency landholders, and perhaps he gave him a seat there as a representative of the landholders.

If the Hon'ble Member had now come forward with new names to-day to rectify his mistake, I would have understood his position. Even in the present list there is not the name of a single Hindu member from North Bengal. There is not a single representative of the Rajshahi Division on the Select Committee. However, I do not grudge that omission. There would have been some justification if he had given some reasons for his accepting this large addition of members. The attitude of the Government has been not to add to the original list as far as possible, but in this instance I do not know for what reason the Hon'ble Member has condescended to add nine more names to the proposed Select Committee of 22 members.

Mr. MARENDRA KUMAR BASU: On a point of order, Sir. May I ask for your leave to move a short notice amendment to add 120 members more to the list? (Laughter.)

Mr. H. BIRKMYRE: Mr. President, Sir, I shall be false to my late colleagues if I allow this suggestion to go unchallenged. One of the recommendations of the Retrenchment Committee of which I was a member was that the annual exodus to the hills should be cut down as much as possible. We are now faced with an enormous Select Committee proceeding up to Darjeeling where they will stay for possibly six weeks or a couple of months for the consideration of this Bill. It is now suggested that nine more names be added, and while this has

been accepted by the Hon'ble Member, I am very glad to see that it is most unacceptable to a very large section of the House. We consider that a Select Committee should be a working body and not so large and unwieldy as to end in confusion. If, however, you must have a larger Select Committee, why be mean about it, why not have a Committee of the whole House? You have a precedent for this. The House of Commons is at present sitting in a Committee of the whole House for the consideration of a measure which is, I understand, quite as important as this one. If, therefore, Government feel they must have a larger Committee, let the whole House be appointed and then we can all go up to Darjeeling.

Mr. H. S. SUHRAWARDY: Sir, I do not think it is necessary to add very much to what Mr. Birkmyre has said. I do not know whether Government will be able to withdraw their assent, but certainly I expect that Government will not claim a division when your decision from the Chair will be that the "Noes" have it. This policy, if I may say so, of adding more members to the Select Committee ought not to be encouraged. It has not been favoured by this House, and it is only on very rare occasions that the personnel of the Select Committee has been increased. Unfortunately, personalities also have to be taken into consideration whenever the personnel of a Select Committee is considered, and, therefore, it is far better if no more persons are added to any Select Committee—whether proposed by Government or proposed by any private member.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, if the members will remember what I have said in reply to the motion for circulation, they will find the justification for my accepting these additional nine names. The whole burden of my speech was that this is eminently a Bill which should be discussed as far as possible round the table, and, therefore, Government agreed to the addition of nine more names. We would try and get all those who are keen to come on to the Select Committee and discuss the Bill with them round the table. If it were possible and feasible, certainly it would have been an excellent idea to have a Committee of the whole House. In fact, that would have been the most practical way of dealing with this Bill, but that is not possible. And, therefore, I tried as far as possible to meet the wishes of those members of the House who expressed a certain amount of keenness and eagerness to deal with this Bill, and I agreed to the addition of these names. That is the only explanation why Government agreed to the addition of these nine names.

The motion was then put and lost.

The motion containing the original personnel as suggested by the Member in charge was then put and agreed to.

DEMANDS FOR GRANTS.

MR. DEPUTY PRESIDENT: Order, order. I beg to inform the Council that His Excellency the Governor has allotted ten minutes each for the disposal of the supplementary demands.

9—Registration.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 53,500 be granted for expenditure under the head "9—Registration" in 1934-35.

Sir, the reason is that the registration receipts have gone up and with the going up of registration receipts a certain amount of expenditure is unavoidable which was not originally budgeted. At the same time, the pay of officers was underestimated, and Rs. 35,000 will be required for the purpose. I may inform the House that according to the estimates, our expenditure was much below what was required. There has been large increase of revenue receipts from registration fees, and this has been due to the fact that up to December last more than a lakh of documents were presented, and this was not originally estimated. These are the reasons for which I crave leave of the House to accept this demand.

The motion was put and agreed to.

30—Scientific Departments.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,500 be granted under the head "30—Scientific Departments" to enable Government to give a grant of Rs. 2,500 towards the expenses of the Science Congress which met in Calcutta this year.

Sir, I need not say more than what is stated in the memorandum which has already been circulated.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 13th March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 13th March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 94 nominated and elected members.

Oath or Affirmation.

Mr. C. G. Arthur, made an oath of his allegiance to the Crown.

STARRED QUESTIONS

(to which oral answers were given)

Powers of courts and benches to union boards in Dacca.

*54. **Babu SATISH CHANDRA RAY CHOWDHURY:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) how many union boards in the district of Dacca have so far been invested with the powers of courts and benches under the Bengal Village Self-Government Act, 1919;

(*ii*) in how many cases in the said district the powers of courts and benches have been withdrawn after a period of trial; and

(*iii*) what were the reasons for the withdrawal of such powers?

***MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy):** (*i*) 203.

(*ii*) Benches and courts were discontinued in 40 cases.

(*iii*) Benches and courts were not reconstituted after the union board election in cases where the work of the union bench and court

had been unsatisfactory on account of party faction, or other reasons or where representations were received from a large number of people of the locality asking that the bench and court should not be reconstituted.

Embankment at mauza Shahaperidip and Sabrang in Cox's Bazar.

*55. **Haji BADI AHMED CHOWDHURY:** (a) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(i) whether he is aware of the erosion of the embankment raised by individual effort at *mauza* Shahaperidip and Sabrang, police-station Teknaf, Cox's Bazar;

(ii) whether as a result of the said erosion there is constant and general failure of crops;

(iii) whether it is a fact that *jotes* have already been sold and purchased by Government at one pice each?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of taking up the reconstruction of the embankment at the said *mauzas* this year before April next?

(c) Do the Government realise that the reconstruction of the embankment—

(i) will give immediate relief works, i.e., earth works, to the actually distressed *khas* tenants;

(ii) will be an arrangement for the protection of annual revenue of Rs. 21,000; and

(iii) will afford facilities to the *khas* tenants to cultivate in the next rainy season?

(d) Do the Government realise that the *khas mahal* tenants when completely without cultivation will be compelled to migrate elsewhere?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (a) (i) and (ii) Yes.

(iii) Yes, in certain cases.

(b) The matter is under the consideration of Government. Estimate is being prepared.

(c)(i) Yes.

(ii) Yes. The present revenue is Rs. 11,429.

(iii) Yes.

(d) Yes.

Production of khatians at the time of registration at Midnapore.

*58. **Mr. R. MAITI:** (a) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state—

(i) whether a circular has been issued by the Registrar of Midnapore instructing the registering officers in the district to insist upon the parties for the production of *Khatians* only (and of no other documents) in all cases of transfer of lands by the documents presented for registration; and

(ii) what is the authority for the issue of such a circular?

(b) Is the Hon'ble Minister aware—

(i) that the registration of documents is being refused in many cases where the parties fail to produce *Khatians* at the time of registration; and

(ii) there has been a consequent loss of revenue to the Government?

(c) Have such circulars been issued in any other districts of Bengal?

(d) If the answer to (c) is in the negative, what are the reasons for the differential treatment in the case of Midnapore district?

(e) Is the Hon'ble Minister aware that the entry in *Khatians* after its final publication are subsequently declared to be wrong in many instances either by amicable arrangement between the parties concerned, or, by the decision of the civil court?

(f) Are the Government considering the desirability of empowering the registering officers to look into the other documents which have altered or corrected the *Khatians*?

(g) What immediate steps are the Government contemplating in this matter with a view to put an end to the situation created by the issue of the said circular?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): Such a circular was issued but has since been withdrawn.

Gambling in Dharamtala Street.

*57. **Srijut TAJ BAHADUR SINGH:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that regular gambling is going on every evening behind the "Cheap Theatre" in Dharamtala Street?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking steps to stop this sort of gambling?

(*c*) If the Government are not aware of the existence of the evil as stated in (*a*), are the Government considering the desirability of making an inquiry into this matter?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*), (*b*) and (*c*) The police have had anonymous complaints to this effect, and the place has been kept under observation for some time, but the evidence necessary to enable legal steps to be taken has not so far been obtained.

Posting of a Subordinate Judge at Tangail.

*58. **Maulvi NUR RAHMAN KHAN EUSUFJI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state what decision, if any, has been arrived at regarding the posting of a Subordinate Judge with Sessions powers to Tangail?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): The proposal is still under consideration.

Irrigation canals and dead rivers.

*59. **Babu KISHORI MOHAN CHAUDHURI:** Will the Hon'ble Member in charge of the Irrigation Department be pleased to lay on the table a statement of the expenditures of the Government, year to year, since 1921 in opening out—

(*i*) irrigation canals in Bengal; and

(*ii*) Resuscitating dead rivers in Bengal?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): A statement is laid on the table.

Statement referred to in the reply to starred question No. 59 showing expenditure on (i) opening out Irrigation canals and (ii) resuscitating dead rivers.

	Opening out Irrigation canals.	Resuscitating dead rivers.
	Rs.	Rs.
1920-21	..	..
1921-22	..	1,27,545
1922-23	..	4,37,001
1923-24	..	7,56,794
1924-25	..	1,10,242
1925-26	..	*(−)30,286
1926-27	3,60,111	92,645
1927-28	4,51,611	2,27,244
1928-29	15,66,145	1,13,679
1929-30	20,36,501	17,010
1930-31	22,24,928	..
1931-32	20,19,627	14,050
1932-33	13,29,401	5,000
1933-34	9,03,003	3,000

*Represents refund of the unspent balance held at credit by the Land Acquisition Officer and adjusted during the year to the credit of the project.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Prosecution of Major R. C. Curtis under the Bengal Motor Vehicles Tax Rules.

27. **Mr. NARENDRA KUMAR BASU:** (*a*) Has the attention of the Hon'ble Minister in charge of the Local Self-Government Department been drawn to the case of Major R. C. Curtis (an officer of the B.-N. Ry. and a Vice-President of the Automobile Association, Bengal) who was prosecuted for an offence under the Bengal Motor Vehicles Tax Rules?

(*b*) Is the Hon'ble Minister aware—

(*i*) that Mr. Curtis was prosecuted for taking out a car without exhibiting a token on the 22nd August, 1933;

(*ii*) that the tax payable for the quarter ending 30th September, 1933, had been paid to the Taxing Officer on the 7th July, 1933, but no token was delivered;

(*iii*) that the tax for the next quarter had been paid on the 6th October, 1933, and a token delivered; and

(*iv*) that the prosecution in respect of the said offence committed in the 2nd quarter of the official year was not commenced till the 22nd December, 1933?

(*c*) If the answer to (*b*)(*ii*) is in the affirmative, are the Government considering the desirability of enquiring why no token was delivered when the tax was paid on the 7th July, 1933?

(*d*) Are there any rules, departmental or otherwise, regarding the delivery of tokens and the intimation to the tax-payer of the fact that the token is ready for delivery?

(*e*) Will the Hon'ble Minister be pleased to state on how many occasions Mr. Curtis has been prosecuted for breach of Motor Rules during the last two years and with what results?

(*f*) Is it a fact that Mr. Curtis had made a complaint to the Commissioner of Police alleging rudeness and incivility of a high officer in that particular Department of the Police?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the date of the complaint by Mr. Curtis against the said police officer; and

(*ii*) the date when the first prosecution of Mr. Curtis had been started?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*)(*i*) Yes.

(*ii*) The tax for the quarter ending 30th September, 1933, was paid on 7th July, 1933, through the Automobile Association of Bengal in the name of the registered owner of the car Mr. Heanly. When tax is paid through the Automobile Association of Bengal, it is the usual practice for a representative of the Association to take delivery of the token concerned. On this occasion this procedure was not followed by the Association but the Tax Declaration with the cheque and a covering letter was posted in the letter box in the Motor Vehicles Department. In accordance with the usual procedure in dealing with

payment of tax by letter, a postcard was issued in the name of Mr. Heanly intimating that the token was ready for delivery. As no mention was made in the covering letter from the Automobile Association of Bengal that Mr. Heanly was on leave, the Taxing Officer had no reason to believe that he was actually not in Calcutta. No one came to take delivery of the token and the postcard was not returned through the Dead Letter Office.

(*iii*) The tax for the next quarter was paid by Mr. Heanly, the registered owner of the car, through the Automobile Association on the 9th October, 1933, and delivery of token was also taken.

(*iv*) The case was first instituted against Mr. Heanly on the 29th August, 1933, but the Additional Presidency Magistrate did not take any action against him as he was reported to have left for England. On the 16th November, 1933, Mr. Heanly reported to the Motor Vehicles Department that the car had been left in the charge of Major R. C. Curtis from the 10th March, 1933. An amended charge was accordingly entered on the 18th November, 1933, against Major Curtis and sent to court on the 23rd November, 1933.

(*c*) No. Rule 10 of the Bengal Motor Vehicles Tax Rules provides for the delivery of the token when the Taxing Officer has been satisfied that the tax has been paid. The token cannot be delivered unless the party who has paid the tax appears in person or by agent to take delivery.

(*d*) The member is referred to rule 10 of the Bengal Motor Vehicles Tax Rules. When tax is paid by post, a postcard is invariably sent to the owner intimating that the token is ready for delivery.

(*e*) Major Curtis was prosecuted in two cases on similar facts. The first was the case referred to in (*b*)(*i*). When that case ended in conviction the second case was withdrawn as the object of bringing prominently to notice, and enforcing the provisions of the law had been achieved.

(*f*) No.

(*g*) Does not arise.

Presidency General Hospital.

28. Mr. K. C. RAY CHOWDHURY: (*a*) Has the attention of the Hon'ble Minister in charge of the Local Self-Government (Medical) Department been drawn to the complaints made in writing to the Superintendent, Presidency General Hospital, by Mr. A. Stephen about

the treatment meted out to his wife, who was an indoor patient in the Presidency General Hospital, during March and April, 1934, and subsequently died?

(b) What were the reasons for the non-compliance by the Matron with the wish of the husband of a dying patient for change of private nurse in the interest of the health of the patient?

(c) Are the nurses of the Presidency General Hospital authorised to take a patient's blood for testing, in the absence of the doctor or the sister in charge?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Yes.

(b) It has been ascertained from the Surgeon-Superintendent of the Presidency General Hospital that Mr. Stephen's request for a change of nurse was complied with.

(c) Nurses are allowed to take a blood smear for malaria, but are not allowed to take a patient's blood for any other test.

Rai Bahadur Dr. HARIDHAN DUTT: With reference to answer (c), will the Hon'ble Minister be pleased to state how a nurse can make herself sure that she is taking the blood of a malaria patient before examining the blood?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Probably she is instructed by the medical officer in attendance to do so.

Rai Bahadur Dr. HARIDHAN DUTT: How can the medical officer say that it is a case of malaria without an examination of blood?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Only suspected cases of malaria are left to the nurses.

Appointment of scheduled castes in the Bengal Judicial Service.

28. Babu LALIT KUMAR BAL: (a) Is the Hon'ble Member in charge of the Judicial Department aware that a good number of appointments are going to be made this year in the Bengal Judicial Service in the rank of Munsifs?

(b) Is the Hon'ble Member also aware that there are several qualified candidates for such appointments from the scheduled castes?

(c) If the answers to (a) and (b) are in the affirmative, are the Government considering the desirability of giving the claims of the scheduled caste candidates due consideration in the matter of such appointments?

The Hon'ble Sir BROJENDRA LAL MITTER: (a) Yes.

(b) Suitability of the candidates is judged by the High Court.

(c) This rests with the High Court who have assured that it will be done.

Last Friday of the holy month of Ramzan as a holiday.

30. Khan Bahadur A. F. M. ABDUR-RAHMAN: (a) Is the Hon'ble Member in charge of the Finance Department aware—

(i) that the last Friday of the month of Ramzan is looked upon by the Muslims as a sacred day and is nomenclatured as the "Jummatul-al-weda"; and

(ii) that the Government of Punjab observe that day as a holiday?

(b) Are the Government considering the desirability of declaring the last Friday of the month of Ramzan as a special holiday for the Muhammadans of Bengal to perform the usual religious prayers and rites on that day?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (a) and (b) The hon'ble member is referred to the answer given in the Council on 31st January, 1934, to a similar question asked by him (unstarred question No. 12).

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Hon'ble Sir JOHN WOODHEAD: I beg to present the reports of the Select Committees on the following Bills:—

(1) The Bengal Electricity Duty Bill, 1935.

(2) The Indian Stamp (Bengal Amendment) Bill, 1935.

(3) The Bengal Amusements Tax (Amendment) Bill, 1935.

(4) The Bengal Tobacco (Sales Licensing) Bill, 1935.

(5) The Court-fees (Bengal Second Amendment) Bill, 1935.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMAND FOR GRANT.

5—Land revenue.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 35,12,000 be granted for expenditure under the head "5—Land revenue."

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that the demand of Rs. 1,48,000 under the head "5A—Charges of administration—Land acquisition establishment" be reduced by Rs. 100.

Sir, the issue that I want to raise in discussing this question is a very important one. It is the old, old question of tenants having the right to erect places of worship on their holdings. It is well known, Sir, that the Muslim community claims to be a very religiously-disposed community, and that they love their religion above everything else. Wherever the Muslims have gone and settled themselves they have erected mosques because it is one of the principal injunctions of their religion that a Muslim should say his prayer, preferably in congregation, five times a day, and that he should also say his *Jumma* prayer, which must always be performed in congregation, on every Friday which is his sabbath. That being so, in Bengal, where the Muslims preponderate in number, they have naturally erected a large number of mosques. Save and except in the towns, these mosques are on lands of tenants who have nothing more than occupancy rights in their holdings. The question, therefore, is whether the tenants of these occupancy holdings should have this right of erecting mosques on their holdings. Sir, although, I am now speaking of mosques, my intention is not to preclude the question of the erection of temples or churches for the other communities. What I mean is that the right which may be given to a Muslim to erect a mosque should also be given to a Hindu in the matter of the erection of a temple or to a Christian for the erection of a Church wherever such a necessity arises. It must be admitted that there are thousands of mosques on the holdings of occupancy *raiyats*, and it must be said to the credit of the landlords of this province who are generally Hindus that they do not ordinarily raise any objection to the erection of such mosques, and that they do not generally go to the law courts for the eviction of persons who may happen to erect mosques on their holdings. The reason for this is that the *zemindars* do not like to pick up quarrels with their tenants, especially

in a matter of such importance concerning their religion. But, Sir, the question is whether the tenants should have such a right. The law on the subject must be made clear and explicit. Unless and until that is done, we shall be living practically on a powder magazine, as we are now doing. We know what harm can be done to the peace of the country by communal jealousies in a province like ours, and if that communal jealousy is fanned by religious considerations, the result can easily be disastrous. Therefore, it should be the interest of every one in this province to see that the law should not be such as may facilitate the creation of such dangerous troubles in future. We know, Sir, that the relation between the landlords and the tenants at present is not quite satisfactory. That relation seems to be worsening every day, and there is no knowing what the position will be a few years hence unless there is a peaceful settlement of this state of war between the landlords and the tenants. Therefore, even though there may not be many suits for eviction in such cases now, a time may come when the landlords may think of exercising this right which they consider their legal right. As the law stands at present, the landlords seem to have a legal right to eject such tenants as may have erected mosques on their holdings. There has been a recent ruling of the High Court to the effect that the erection of a place of public worship on the holding of an occupancy *raiyat* is a misuse of the holding, and that in the case of such misuse, the landlord can evict his tenant on that ground. We are not here, Sir, to discuss the merits of this decision of the High Court; we must accept the decision as it is unless the law is amended. That decision in this case says that the landlord has, in such circumstances, the right to evict his tenant. Now, it may happen that a number of landlords, being goaded by circumstances, may think of exercising this right of evicting persons who have built mosques on their holdings. What then will be the result? I for myself shudder to think what the result will be. Can the Government allow the law to stand as it is—a potential source of a religious crusade between the communities? The present lull should not mislead either the Government or this House. The House may remember that there is a Bill on the subject pending before this House. I introduced the Bill in the last Session of the Council. As far as I know, the Government after considering the provisions of the Bill was of opinion that they could not support that measure. I do not say that the Bill is without any defect, and I do not think that that is the only way in which this matter can be solved. I would leave the matter entirely to the Government. If the Government think that the issue is a serious one, the Government should certainly bestow their serious consideration on this subject. The landlords in this House will not be favourably disposed to a proposal to give the tenants the right of erecting mosques on their holdings. Their objection is that their vested interests will be adversely affected. Sir, my appeal to my landlord friends is whether in a serious matter like this they should stick

to their vested rights, even if they may have such rights. The landlords have hitherto had to yield in many matters and in future they will have to yield in many more things by the force of circumstances. This is a matter in which the landlords should come down and settle terms with their tenants. This is an insignificant matter so far as the interests of the landlords are concerned, but it is a matter of vital importance to their tenants. Sir, I for myself do not see that there can be any reasonable objection to an appropriate amendment of the Bengal Tenancy Act in regard to this matter. Every one knows that the Bengal Tenancy Act—I mean the Amending Act—has made the holdings of occupancy *raiyats* transferrable, and that the occupancy *raiyats* can also under the present law make *wakf* of their occupancy holdings in accordance with the provisions of the Muhammadan Law as also a religious dedication of their holdings in any other way. I refer to section 26D of the Bengal Tenancy Act which mainly deals with the transfer fees of landlords. The second proviso to it says that the landlord's transfer fee shall not be payable in certain cases. Item No. 2 of the proviso says, in the case of a *wakf* in accordance with the provisions of the Muhammadan law which provides amongst other purposes for the purpose of the maintenance of the donor himself or the husband or wife of the donor or any relation by consanguinity within three degrees of the donor, the landlord's fee is not payable. Then the next item—item No. 3—says that in the case of a dedication for religious or charitable purpose without any reservation of pecuniary benefit for any individual, the landlord's fee is also not payable. That clearly establishes that an occupancy *raiyat* has the right to make a *wakf* of his property and to dedicate his holding for religious or charitable purposes; of course, in that case he must not reserve any pecuniary benefit for any particular individual. That being so, I do not understand why the Bengal *raiyat* having an occupancy right in his holding should not have the right to build a place of public worship on his holding. Sir, every one conversant with the law knows that a man cannot erect a mosque on his holding unless he makes a *wakf* of that property. He has to dedicate his property by way of *wakf* before he can build a mosque.

(At this stage, the member reached his time-limit, but was allowed by the Hon'ble President to finish his speech.)

Even though the tenant may not formally make a *wakf* of his property on the erection of a mosque, the property automatically becomes a *wakf* property. That being so, I think the *raiyat* has already got such a right. There are of course conflicting provisions in the Bengal Tenancy Act. I submit, Sir, that my *zemindar* friends in this House will not base their claim on these conflicting provisions in the Act and should gracefully concede to their tenants this elementary right of erecting prayer houses on their holdings.

Sir, for the present I have tabled this cut motion in connection with the land acquisition demand. I submit, Sir, that the Government can at least do one thing without being led into any consideration of the intricacies of the law. Under the Land Acquisition Act, the Government can acquire lands for a public purpose or for a company. Sir, the Land Acquisition Act is an all-India Act, and is not an Act of the Bengal Legislative Council. Therefore, this Council is not in a position to amend it. Section 53 of the Land Acquisition Act gives the Local Government power to make rules in certain cases. Of course, I am not dogmatic enough to say that Government can make rules regarding this subject under section 55 of the Act. If it is possible for Government to make appropriate rules under that section, I think the Government should without any further loss of time take action under that section. Government can also move the Government of India to amend the law, and that can be done without any great difficulty. I do not like to prolong my speech any further. We have full confidence not only in the fairness of the Hon'ble Member in charge of the Department but also in his resourcefulness and sagacity, and I think if the Hon'ble Member is really favourably disposed towards this proposal, I am sure he can surely find out means whereby this matter can be finally and satisfactorily solved. I do not say that if the Land Acquisition Act is amended, that will finally settle the whole thing. That is how the thing can be dealt with for the time being. For a final solution it will be necessary to amend the Bengal Tenancy Act, but if the Government for the time being takes action under the Land Acquisition Act, I think something will be done, and when the proper time comes, the Bengal Tenancy Act may be amended. With these words, Sir, I commend my motion to the acceptance of the House.

Mr. SARAT KUMAR ROY: Sir, I rise to oppose this motion. I think the matter should be dropped altogether. Mr. Majid Baksh brought a Bill with substantially the same object, when the pros and cons of the question were thoroughly discussed. The verdict of this House then given is still fresh in our memory, and I think I need not repeat the same arguments over and over again in this connection. Sir, it may be safely presumed that there has not been any such material change in the conditions of rural Bengal as may give a fresh stimulus to the promoters of this movement within so short a time. At any rate, I think that the mover of this amendment has not been able to convince us on the point to any extent.

Fortunately for us, one of the movers of the motion is a member of the legal profession and possesses experience too. We, therefore, may always expect tangible and sound reasons from him while he argues us to accept the principles of his motion. But, Sir, I regret that despite his knowledge and experience in jurisprudence, he has hopelessly

muddled up two different things—namely, religion and politics, and thereby has put us into a dilemma as to what to think of. Sir, I admit that the right to worship is an elementary right of man, and none of us, I believe, is an atheist enough to ignore it. But to confuse it with secular rights—such as the right to enjoy one's property in a particular mode—is a hopeless muddling of things; at any rate, I would not have expected such a muddle from a man of Mr. Tamizuddin's calibre and experience.

Sir, I assure you that in opposing this motion I am not arguing that the people should not enjoy freedom of worship. The question before us is not whether a man should be allowed to worship according to his choice, but whether a man should be permitted to use his agricultural lands for purposes other than agriculture; whether any such conversion would be detrimental to its future utility as agricultural land; and whether such conversion by a limited owner, such as *raiyat*, may be permissible by a legislation without affecting the rights therein of other persons.

Sir, Mr. Tamizuddin is a friend of the agriculturists, and the needs of the agriculturists must be uppermost in his mind. I hope that he will concede so far as that the building of a private or public temple or mosque on one's agricultural land has nothing to do with his agricultural pursuits thereon. It will not increase his production, nor can it give him any other facility for getting an increase of crops. On the contrary, such a thing would certainly act as an impediment to his agricultural pursuits. Every such conversion however small, is unquestionably a loss to the agriculturist, and to the landlord—the full owner; the injury is even proportionately far above the area occupied. And, Sir, once the Government admits the communal principles into the land tenures of the province, we do not know where things will end. In our country, the people are well known for their religious fervour; and if everybody thinks of erecting upon his land a mosque or temple, either private or public, I am afraid, in course of time, instead of paddy fields we shall find temples and mosques only in our villages. And I hope I need not say that such a state of things can never be considered as agricultural prosperity in our country. Sir, I must ask my friend of the agriculturists to think of it calmly.

In the next place, Sir, I must point out that in our country, lands very often pass hands for various reasons. And when lands belonging to one community passes into the hands of one belonging to a different community, unquestionably the newcomer would be awfully puzzled to find a public or private temple or mosque on his field to which he must allow strangers to come and worship. Sir, can it be said that such a state of things will be relished by the newcomer? Will that not hamper his agricultural pursuits? And will that not affect the market value of

the land itself through deterioration of its utility? Sir, these things ought to be taken into consideration seriously before we launch upon putting novel principles in our land laws.

Then, Sir, I may recall to your memory that last year Mr. Majid Baksh, while moving his Bill, admitted before this House, that the erection of mosques on agricultural lands have in some instances led to communal strifes. In fact, these are unavoidable, and I must warn my friends to ponder over that point as well.

But the most important thing for us is to consider the principles of the law as now embodied in the statute. Mr. Tamizuddin is a lawyer, and I hope he knows those principles better. To him it is clear that a limited owner cannot be permitted to alter the character of the property he occupies for the time being. An occupancy *raiyat* has no subsisting interest in the land beyond the period he occupies. Such a tenancy may be terminated under various circumstances. Hence, he cannot avail of the rights of a full owner. This view has been judicially upheld by the highest tribunal of our province. And I think, with all his legal acumen, Mr. Tamizuddin has not been able to impress upon us that such view of the judiciary is erroneous or that he has any cogent reason to differ from such views.

Again, Sir, it cannot be gainsaid that erection of public places of worship on agricultural lands is an intrusion upon the rights of the lessors of such lands; while letting out his lands he retains the residue of his rights over the lands. I am afraid, therefore, he would be seriously handicapped on getting *khas* possession of his lands to find strangers to have adverse rights therein.

For reasons like these, Sir, I strongly oppose the motion.

Maulvi ABUL QUASEM: Mr. President, Sir, the subject which has been placed before the House by my friend, Maulvi Tamizuddin Khan, is of the most vital and close interest to the Moslem community. Since the High Court ruling, to which reference has been made by Maulvi Tamizuddin Khan, the Moslem community has been seriously exercised over the consequences that would follow the erection of a mosque in an occupancy holding.

Mr. Sarat Kumar Roy, the spokesman of the *zemindars* in this Council, has characterised Mr. Tamizuddin Khan's speech as a muddle-headed one. He says that Mr. Tamizuddin Khan has muddled up religion with secular matters. The sort of any difference between religious and secular matters, which he seems to think there is, is unknown to Islam. As a *zemindar*, as a man of experience and culture, I should have thought that he had some idea of what Islam is. It has been a keen disappointment to me that his whole speech betrays ignorance of the elementary principles of Islam, which should have been known to a man of his culture and to a *zemindar* of his

position who has a large number of Muslim tenants. The sort of difference between matters secular and religious is not known to Islam, as I have already stated. A Muslim agriculturist is a Muslim after all, and while pursuing his agricultural occupation he has got to obey his duties to his Creator and he cannot forego those duties. And he is keenly alive to the obligation he is under to his Creator and the duties that lie upon him to perform, and I emphasize that he cannot forego those duties. What is that duty? Let us see. It is obligatory upon him to say his prayers in congregation. A congregation means a gathering of more than one person I repeat, led by an *Imam* in prayers. Sir, it is obligatory on every Muslim to say his prayers in a gathering. And to deny opportunities of congregational prayer to a Muslim following an agricultural pursuit would be practically making him disobey the mandates of his religion. A prayer-house is a first and prime necessity to a Muslim, and to say or suggest in effect that a Muslim should be an agriculturist, pure and simple, and that he should forego and shed his character as a Muslim is a thing which is very abhorrent and outrageous to the feelings of every Muslim.

Sir, I cannot understand the bogey which Mr. Sarat Kumar Roy seems to behold before his mind's eye, viz., that if occupancy tenants were allowed to erect mosques on their occupancy holdings all the agricultural lands would be converted into mosques and that agriculture would vanish from the land. It is a view which is entirely peurile, and I have never heard such a view expressed in this House. How is it that people do not erect mosques everywhere? It is because that it involves a serious responsibility on every Muslim: you cannot simply erect a mosque and leave it there: you have got to do something more. You have to provide for the perpetual maintenance of the mosque. The dedicator of a mosque has to provide for its upkeep and maintenance. Sir, that is the faith of the Muslim. If Mr. Sarat Kumar Roy seems to think that if an occupancy *raiyat* is allowed to erect a mosque on his holding, the whole countryside will be studded with mosques, I submit he is quite wrong. Why is it there have not been innumerable mosques throughout the agricultural areas? It is because of the fear that lurks in the minds of Muslims that any one who wants to erect a mosque must be able to provide sufficiently for the perpetual maintenance of the mosque; and that fear deters many from erecting mosques. I would, therefore, ask Mr. Sarat Kumar Roy to hold his soul in peace and not to trouble himself with the baseless fear that his whole *zemindary* will be converted into a land of mosques and that agriculture will not be pursued in it.

Sir, Mr. Sarat Kumar Roy has forgotten one thing. According to him an agriculturist is expected to devote all his time only to agriculture and nothing else. To put it mildly he looks at the problem from a very narrow angle of vision. He has forgotten that the Muslim peasant cannot be expected to live by paddy and *jute* and sugarcane

alone. He should know that the Muslim peasant must live also by the injunctions and consolations of his faith. Another thing he has forgotten, Sir, and that is that an agriculturist—a Muslim agriculturist—has got to get a place on his holding wherein his body is to be buried after death. And, according to Islam, wherever there is a grave that place is for ever sacred and becomes dedicated to the God Almighty. Can a human being, be he a *zemindar*, be so irreligious and unreasonable as to object to his tenants finding their last resting place in their occupancy holdings? If occupancy holdings can pass through tenants' hands from generation to generation and if in course of generations graves go on receiving additions, and if such occupation of part of the agricultural holding by graves, that does not detract from the value and character of the agricultural holdings, I do not see how anyone can maintain such an argument for a moment that the erection of a mosque here and there would pervert the purpose of the tenancy. It is an argument which is entirely unsound and irrational. I think the *zemindars* should be generous, and that if they are religiously-minded they should not consider that the erection of mosques would detract in any way from the value of their lands. They should rather encourage their tenants to erect mosques wherever they can afford to do so, because a *zemindar* is as much a servant of God as a tenant is; and the worship of God is the elementary right and duty of man. If an agriculturist cannot worship according to his faith, then his life would not be worth living. I believe that our *zemindar* friends would be earning the gratitude of all Muslims if they do not stand in the way of their tenants' erecting mosques whenever they can afford, because the erection of a mosque would not in any way injure the true interests of the *zemindar*. The history of this country does not show that the question has ever assumed any serious and alarming dimensions. Just as the right now enjoyed by the occupancy *raiyats* of erecting *pucca* residental houses has not led to the erection of such houses to any appreciable extent, for the simple reason that very few *raiyats* can afford the cost, so, I am sure, if the *zemindars* were generous enough to concede the right of erecting mosques on their holdings to occupancy *raiyats*, it would never be availed of to the extent of detracting from the character and value of agricultural holdings.

Sir, on the complaint of a particular *zemindar* the High Court has laid down a ruling that the erection of a mosque is not an "agricultural purpose", and that it deteriorates the value and changes the character of the land. Therefore, on that ground alone a *zemindar* can evict his tenant. Sir, *zemindars*, taking their cue from this High Court ruling, may be very chary of mosques being built by their tenants. I feel, Sir, that Government have got a very clear duty in this matter. They have got to look to the spiritual needs of the Muslim peasantry. This particular ruling of the High Court affects the spiritual needs of the Muslim community, and the sooner the situation created by this ruling

is changed to the entire satisfaction of the Muslim community, the better will it be for all concerned, viz., the *zemindars*, the Government and the people.

Mr. S. M. BOSE: Sir, I am indeed surprised at the heat which this proposal has evoked. Sir, religion is sacred, and I take it that no single community can claim a monopoly of "religion"; just as religion is sacred to the Mussalmans, so I take it that it is equally sacred to the Hindus; and I do not think that any member of any community can claim a higher status for his own religion and say that he is more religious than his neighbour. The right of free religious worship must be preserved; on the other hand, civil rights must also be maintained. I submit that the High Court is perfectly correct in the ruling that has been referred to. As my friend, Maulvi Tamizuddin Khan, has said, there can be no *wakf* without absolute dedication. The Muhammadan law lays down that the property must vest in God Almighty, and dedication can only be made by an owner who divests himself entirely of all rights over the property. Therefore, there can be no endowment of land belonging to a tenant because such land belongs to another, and unless that other consents, there can be no deduction. From this point of view I see no reason in the suggestion that the High Court was wrong in any way in giving its decision. This decision is, I submit, beyond all question and perfectly consonant with the Muhammadan law. If any person wants to build a mosque, let him do it on his own land and not on somebody else's land. If he wants to do that, let him try and settle the terms with the owner. I do not think that he can compel the *zemindar* to erect a mosque on a plot of land of which the *zemindar* is the owner. He can easily buy up the land for the purpose, and make a *wakf* of it.

Mr. NARENDRA KUMAR BASU: Sir, I am afraid the last speaker has not read the motion correctly. As far as I can see, Maulvi Tamizuddin Khan's motion is that the Land Acquisition Act be so amended as to make provision for the erection of mosques in the holdings of tenants. Well, it is not happily worded probably. I take it that it possibly means that land which is at the moment in the occupation of a tenant or a portion of his holding may be acquired by the State and then diverted into a prayer-house. So, the objection raised by my friend, Mr. S. M. Bose, the previous speaker, that no prayer-house can under the Muhammadan law be erected on a plot of land which does not belong to the dedicator or to the person who wants to erect the prayer-house would no longer apply when the land would be acquired under the Land Acquisition Act. Sir, therefore, the question now is whether the Government of Bengal will proceed to use the Land Acquisition Act for the purpose of erecting a prayer-house, or a temple or a church or a Buddistic temple or other thing. That is the only question before this House. Whether it is sanctioned by the Muhammadan law

or not is not the question that is before the House at the present moment. This motion really wants the Government of Bengal, by which I mean His Excellency the Governor and his Members and Ministers, to turn themselves into a proselytising mission. That, I submit, is a startling proposal in this year of grace 1935. So far as I am aware, Government have until now very wisely not taken part in advancing the cause of one single religion or of the many religions practised in this country. The question is whether they should now do so, by acquiring lands under the Land Acquisition Act in different parts of the province, so that the cultivators, the occupancy and non-occupancy *raiyats* and other tenants in the country should have each a temple, or a mosque or a church in their near vicinity. I submit that the claim put forward is a preposterous one and should not be supported by this House.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: The last speaker has just pointed out that the wording of the amendment refers to the Land Acquisition Act. But I am sorry that he was not present when the amendment was moved by Maulvi Tamizuddin Khan. The mover of the motion referred to the amendment of some sections of the Bengal Tenancy Act. He did not make any attempt in his speech to make out a case for amending the Land Acquisition Act so as to make it apply in the case of acquiring lands for the purpose of building mosques. On the other hand, his contention was that every tenant of a holding should have a right to erect a mosque. There is another aspect of the wording of the resolution, namely, that provision should be made for erecting prayer-houses on the holdings of tenants without any distinction for any community. But from the speeches of the mover of the motion and the other previous speakers I gather that they are more anxious to erect only a mosque for Muhammadans than for places of worship for other communities. I am sorry that this question has again been raised, especially at a time when a Bill has been introduced by the mover himself in that behalf which is still before the Council. Some time ago in 1932, as Mr. Sarat Kumar Roy has pointed out, Maulvi Majid Baksh brought forward a Bill, but after having felt the pulse of the House, he withdrew it. The mover himself knows fully well the verdict of the House on that question. The composition of the House has not since changed and the same members are sitting even now; still they are pressing for the same thing over again. Had this been a court of law such things would not have been allowed. However, when the Bill is there, I do not think it is proper on their part to bring this subject once again in another form. In the first instance, Maulvi Majid Baksh tried to amend section 76 which deals with the improvement of a holding for the purposes of cultivation.

Mr. PRESIDENT: We are not dealing with that.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Having failed to do that, he tried to amend section 23. That section allows the use of land in any manner which does not materially alter the value of the land or render it unfit for the purposes of the tenancy. When a land is let out, it is done so on the understanding that it should be used for the purpose of cultivation or for the purpose of digging a tank or erecting a house that might be required for the use of the cultivators. The fact that the *raiyat* has acquired a right of occupancy does not alter any of the terms of the letting except the conditions, if any, fixing a term of the tenancy. A land should be used for the purpose for which it was granted and not for any other purpose. We have no objection to a man saying his prayer on the land. He can do so in his own house without erecting a mosque, and I do not think that will deteriorate the value of his prayer. I have just been told by Maulvi Abul Quasem that according to Muhammadan religion congregational prayer is compulsory. Well, if that be so, there is no need of erecting mosques here and there and everywhere. If a mosque be required, let land be acquired first for that purpose under the Land Acquisition Act and a mosque erected upon it, but there should not be the right to erect a mosque on every holding. Moreover, as soon as a mosque is erected, it becomes a public place of worship. So, when a tenant who built the mosque goes out, it would be difficult for the next tenant to occupy the same holding subject to the right of the public to pray there. Supposing a temple is erected on a holding, it would be difficult for a Muhammadan tenant to occupy that holding or rather it would be inconvenient for him to do so and *vice versa* when a mosque is erected. So from that point of view it is not desirable that every holding should have the right to have a mosque or a temple on it. As I have already said, there is no objection if the land is acquired and a mosque erected on it. Maulvi Abul Quasem has attacked the *zemindars* as a class for not being sympathetic towards the tenants. I may say with due respect to him that in Bengal most of the Hindu *zemindars* are helping the mosques to a certain extent by giving donations and granting lands for the purposes of maintaining mosques. So his criticisms of the *zemindars*, I am sorry to say, are uncalled for and he should withdraw them in fairness to the *zemindars*. We know where we are and what we are. With these words I oppose the motion.

Babu AMULYADHAN RAY: I had no mind to take part in this debate at first. However, I can assure you, Sir, that I shall not take much of your time. Whenever there is any question before the House for the tenants, we have seen that there is a duel with the *zemindars*. Mr. Sarat Kumar Roy has said that Maulvi Tamiruddin Khan could not impress the House with his remarks. I do not know if the tenants will ever impress upon the landlords unless and until they can press their claim and extort their rights in the name of justice. I have no

mind to deal with this question from the point of view of its religious aspect, but I shall submit a few words from the common-sense point of view. I cannot understand why the *zemindars* are objecting to the erection of a small prayer-house by the poor tenants. I think this is a question on which the House ought to be unanimous in their opinion, but I notice that many of my friends are opposing it. If we are to live in this country peacefully, I would request the House not to oppose this motion.

Maulvi ABUL KASEM: Sir, I rise to support the motion of my friend Maulvi Tamizuddin Khan. I am neither a lawyer nor a *zemindar*, and I cannot go into either the details of the principles of law or the difficulties and inconveniences of the *zemindars*. Speaking as a man in the street, I must say that the first thing we have to consider is—who is the owner of the land? It may be said that the great permanent settlemnt of Lord Cornwallis has made certain people the owners of the land.

Mr. PRESIDENT: That question does not arise out of the motion before the House.

Maulvi ABUL KASEM: But I submit that the permanent settlement——

Mr. PRESIDENT: I repeat that that question does not arise out of the motion you wish to support.

Maulvi ABUL KASEM: Yes, Sir.

Mr. PRESIDENT: No, it does not. I rule you out of order. You must confine your remarks to the motion before the House.

Maulvi ABUL KASEM: Then I say that the only objection the *zemindars* may have to the erection of a mosque, as was stated by some of the previous speakers, is that supposing a tenant leaves a holding and somebody else comes in, then the new tenant will not be able to occupy it. That is certain, because according to the tenets of Islam when any place is consecrated for prayer, it becomes the property vested in the Almighty Himself and no human being can be the proprietor of it. The only thing the *zemindar* will lose is the small rent that he could receive from the last tenant who erected the mosque and left it. I think, considering the position of *zemindars* of Bengal, that little loss of a few annas of rent is immaterial, because he has already been enjoying unearned increments to a very large extent. I gratefully acknowledge that the Raja Bahadur of Nashipur has given away to Mussalmans lands

in his *zemindary* for the purposes of extension of an *Idgah* or erection of a mosque, but we must remember that one swallow does not make a summer and that the action of the Raja Bahadur cannot be taken as the action of the Hindu *zemindars* of Bengal as a class. In view of the decision of the High Court immediate steps should be taken by this Government to introduce legislation so that the erection of mosques and dedication of lands for the purpose of a prayer-house could be legalised. I have got nothing more to say.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: There has been a lot of misunderstanding in this House and, as the leader of the opposition has rightly pointed out, the real issue before the House is whether the Land Acquisition Act should be so amended that provision can be made therein for acquisition of land for the purpose of erecting mosques and other places of public worship for all communities. When the question of acquisition comes, it presupposes that the rights of several persons are involved in the land which requires to be acquired. It does not deny anybody's right. So, if this is to be acquired by Government for the purpose of erecting a public prayer-house,I do not know why there should be any objection. The Government are not for any particular community; Government stands for all communities. If the power is given to the Government to acquire lands for religious purposes for erection of prayer-houses for all communities, why should there be any objection of any member of any community here? The leader of the opposition said that should the Government assume the responsibility of acquiring land for prayer-houses, then instead of calling it a Government of the country, call it an ecclesiastical association trying to further the cause of religion. Probably that is the sum total of the speech of the opposition leader, but cannot I remind him that after all a man is a religious being and if Government be similarly inclined, what harm is there in arming Government with the power of acquiring land for the purpose of a public prayer-house? My dear friend, what is meant by a Land Acquisition Act? Does it not mean that Government have been empowered to acquire land for the company of my friends of Clive Street? And if we have empowered Government to acquire land for a company of merchants never mind for what purpose that company has been formed—would it be too much to ask that Government be similarly empowered to acquire land for erecting a public prayer-house? That, Sir, is a question which ought not to create any heat in a House like this. Why should there be any suspicion in the minds of all concerned that, if the Government be armed that way, they would do injustice to one section of the people or the other. I personally believe that if Maulvi Tamizuddin's proposal is accepted by the House, namely, that Government be armed with the power of acquiring land for religious purposes, there will be no harm done in the country as interest in all cases will be the same. So, what

harm is there in entrusting Government with such a function? Now, Sir, what is the state of things: suppose you do not accept this principle of arming Government with certain powers of control, what will happen? I can tell you, Sir, this much that, if nothing is done by Government to restore confidence in the Muhammadan public, there will be such a hue and cry that no Government will be able to stand that hue and cry.

(At this stage the Council was adjourned for 15 minutes.)

(After Adjournment.)

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I was in possession of the House when we went to pray. The Mussalmans have been given a room even inside this Council House to say their prayers and we, whether poor or rich, cannot do without that. And every man of my age and of my community values prayer more than he values his earthly possessions. When a member of my community wants to have a prayer-house for his community, I do not believe it is possible for any religious man—never mind from what community he comes—to refuse it. The noble example that my hon'ble friend the Raja Bahadur of Nashipur has shown in this matter is not very common. There should be absolutely no such silly talk anywhere in any part of this House that should Government, consisting of Europeans and Indians, be armed with such powers acquiring land for religious purposes they will misuse the power. I think that every *zemindar*, whether a Hindu or a Muhammadan, should make it a point of pacifying all the communities by allowing them places of public worship. Sir, whatever the merit of solitary case that has come up before the High Court may be that probably is a single instance in the whole of Bengal which has come before the public eye. If such cases were common, I believe Bengal would not be a place worth living in. So, really speaking, whatever may be said by my *zemindar* friend or whatever may be said by my friends of the tenants, it is true that everybody in Bengal is living in harmony and peace and the question of erection of mosques for Muhammadans, really speaking, is not one that will come up for the decision of Government every day. If Government is thus armed, well and good. In any case, really speaking, the land is Government's land and arming Government with this power will not be a very unnatural demand as Mr. Tamizuddin has put it. So I would now appeal to my friend the Hon'ble Sir B. L. Mitter to consider whether he should not, under the circumstances, accept this power from us; we are prepared to arm him; will he refuse to receive that power? If he refuses, then I should say that he will be failing in his duty towards the country. I appeal to him to consider whether Government should not take power to adjust such religious differences in the country and let us live in harmony and peace.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I am afraid there has been considerable confusion of ideas about this motion and my purpose in getting up to speak is to try to clear up that confusion. In the first place, from the speeches that we have heard this afternoon, it seems that Maulvi Tamizuddin's motion has been taken to be for the benefit of the Muhammadans alone. But, Sir, if you look at it without prejudice, you will find that he does not say that this power is required for the purpose of acquiring land for building mosques or for building prayer-houses only for a particular community but that the Land Acquisition Act should be amended in a way so that Government may have power wherever necessary to acquire land for the benefit of a particular community who may need to build a prayer-house in the locality. A lot of discussion has centered round the existing law: viz., whether under the existing law a Muslim agriculturist can build a mosque in his holding, and whether he can endow his land under the Waqf Act. Most of these discussions are, I think, irrelevant and unnecessary except in so far as to show the disadvantages and disabilities which the Government at the present moment are under, in not being able to supply such a need if such a need arises in a particular locality. It may happen that a particular locality is colonised by a particular community; a handful of Muslim may go and settle in a particular *char*. It then becomes incumbent on them to have a place for congregational prayer. Now, to build a mosque there, they will require land and the permission of the landlord will be necessary. Under the High Court ruling there may be difficulties. As has been pointed out by the Raja Bahadur of Nashipur unless he is absolute owner of the land, doubt may arise whether he has power to build a mosque and endow it. To avoid all these difficulties power is sought to be given to Government so that in those circumstances Government may be able to acquire a particular land in a particular locality and hand it over to the Muslim community for the purpose of building a mosque. In the case of *khas mahal* where a particular *char* is colonised and if the community which settles there is considerably Muhammadan, a portion is reserved there for building a mosque free of rent, or if it is considerably Hindu, the land is made over to them to have on it a prayer-house of theirs like a *harishabha*, etc. It is exactly on this principle that Maulvi Tamizuddin Khan wants power to be given to the Government in the case of privately-owned land. If it is *khas mahal* land there is no difficulty; but if it is a *zemindari* land and a particular community settles there it is incumbent on that particular community, and if it is Muhammadan, it becomes obligatory on them, as Maulvi Abul Kasem has pointed out, to have a congregational prayer-ground. Government may acquire land from the *zemindars* if the *zemindars* object to let out the land. The fears and apprehensions that have been raised that tenants will build mosque in every corner does not deserve consideration. As has already been pointed out, it is not an easy thing to build

a mosque. You must have enough money to endow it, and spend money for its maintenance. The necessity of a prayer-house for congregational prayer can only arise if a considerable number of a particular community settle in the locality. In the past the *zemindars* have not only not obstructed but as a matter of fact helped the Muslim tenants to build mosque wherever they were needed. The example of Raja Bahadur of Nashipur has been cited, and I may be permitted to quote another instance where a *zemindar* has not only given land but also built a mosque and maintains it—I mean that of the 5 annas-*zemindar* of Santosh which you, Sir, represent. It is not a quarrel between a *zemindar* and a tenant. If in a particular place the Brahmos go and settle and want to build a Brahmo Samaj, they cannot do so unless they can get the permission of the landlord, and if the landlord or any person interested in the land refuses permission even if proper value of the land is offered I think Government should have power to acquire that land. Of course the landlord should be paid full compensation. Where is the unreasonableness if the landlord is fully compensated by Government? Therefore, there is nothing in this motion that need raise any heat or dispute in the minds of *zemindars* or tenants, because the present law is complicated. There are doubts whether a *raiyat* can build a mosque or not: the High Court decision has made that still more doubtful. It is also doubtful whether the Tenancy Act could be satisfactorily amended to meet such cases. Therefore, the simplest way is for the Government to have power to acquire the land, in the same way as they acquire land for a company or a railway. It will, of course, only acquire land for a particular community when there is real necessity. Only in genuine cases Government would give permission. So there is absolutely no danger either to landlords or to tenants that they will be harassed. I think, that being the case, Government ought to be sympathetic in this matter. As regards the ways and means it is for the Hon'ble Member to find out.

Rai Sahib SARAT CHANDRA BAL: Sir, I stand up to support the motion moved by my friend Maulvi Tamizuddin Khan. It is no doubt true that the Muslims who wish to construct a mosque often find it difficult to do so, and I think the remedy suggested by Maulvi Tamizuddin Khan is the only means by which we can achieve this object. I had been to Burma and I saw there many Buddhist temples. They have got particular architectural skill, and the impression it gives is that you are in the land of Buddha. So I think if mosques are built throughout the province it will give the impression that many Muslims live here and it will add to the beauty of the place. But, Sir, though I support this amendment, I must have a definite reply to one question from my Muslim friends. There are many Hindus in this province and they have got places of worship. They sometimes worship stones

(*Salgram*), not to speak of gods and goddesses, and to worship these they do not require any temple.

Now suppose when the Act is amended——

Rai Bahadur SATYA KINKAR SAHANA: On a point of order, Sir. Is the member in order in referring to our gods and goddesses as stones?

Rai Sahib SARAT CHANDRA BAL: I spoke, Sir, about the *Shila*, the *Narayan*. That does not require any temple. The Hindus require some sort of music at the time of worship. Now, Muslims may construct a mosque nearby and say that you cannot go on with your music. Thus, there will arise the Hindu-Muslim question. I support the motion on the understanding that the religious feelings of the Hindus may not be affected. In that case, I think, there need be no objection on the part of Government in accepting the suggestion, and on that principle I support this motion.

Babu KHETTER MOHAN RAY: Sir, the only question before the House is whether Government should be invested with power to acquire land on the holdings of the tenants for the purpose of erecting a prayer-house. This is the motion before the House. Government should not be invested with such power, as we all know that Government observe strict religious neutrality. So, Government should not be empowered with these powers for acquiring land either for mosque, temple, church or pagoda. A particular land may be claimed by different communities and who is to decide to which community it should go. Therefore, in a matter like this Government should not meddle. Government should keep themselves free in a question like this, even if the non-official members ask them not to do so. With these words I oppose the motion.

The Hon'ble Sir BROJENDRA LAL MITTER: I am obliged to Khan Bahadur Abdul Momin for removing the mesh of cobweb which has been spun round this motion, and I agree with a great deal of what he has said. I have every sympathy with the desire which is at the bottom of this motion, viz., that adequate facilities for saying prayer should be afforded, and if there be any impediment in the way, that impediment should be removed. That is the real meaning of this motion. But have we any evidence that there are impediments? Is there any evidence before the House that facilities for saying prayers have been denied to any large section of the public? Unless there is need for a thing, you do not expect Government to move in the matter.

I do not suggest that there must always be present a need. Sometimes a need may be anticipated. But is there any genuine apprehension in the minds of any of my friends that there is serious impediment in the way of having prayer-houses? If that were the case, undoubtedly it would be the duty of Government to see that facilities are afforded. No such evidence has been produced. All that has happened is that in a particular case the High Court has held that the construction of a mosque by a tenant on agricultural land is inconsistent with the purposes of the tenancy. But that does not lead to the conclusion that no one can build a mosque or that any large section of the people——

Maulvi SYED MAJID BAKSH: Sir, that land was leased out for the purpose of a homestead.

The Hon'ble Sir BROJENDRA LAL MITTER: Never mind. The High Court decision in that particular case was that the building of a mosque was inconsistent with the purposes of the tenancy.

Sir, Khan Bahadur Abdul Momin suggested, as I understood him to suggest, that Government, at the moment, was under some disability in providing facilities where facilities might be wanted. There I do not agree with him. Sir, under the Land Acquisition Act, land can be acquired whenever the Government is satisfied that it is required for a public purpose—the language is quite wide; and I can conceive of circumstances in which the need of a large section of the population in any part of the country may be such as to amount to a public purpose. The existing Land Acquisition Act is adequate enough to enable the Government to acquire land for the purpose of erecting a prayer-house, a temple, or a church. There seems to be a misconception with regard to the meaning of the word "public." The word "public" does not mean the *entire public;* it includes any large section of the public, and that has been and is the meaning of the word in law. Therefore, as Khan Bahadur Abdul Momin, has said, if in any particular *char* or in any particular part of the country the predominant population is Muhammadan, and if there be no facilities for prayer in that particular *char* or tract of land, and if the predominant population there wants to have a place for saying their prayers, I for myself do not see why the Land Acquisition Act cannot be brought into operation. It can be brought into operation—that is my personal view.

But what is the motion? The motion goes very much further than that. Maulvi Tamizuddin Khan made the meaning of the motion perfectly clear. I have taken down his words, as best as I could. He says that the tenants ought to have the right to erect places of worship in their holdings—these are his precise words; that is to say, he wants individual rights to be created, not a right of the public to say congregational prayers, but an individual right in the tenant to erect a mosque

or a prayer-house. (MAULVI TAMIZUDDIN KHAN: "For public purposes.") He does not say so. I shall, however, deal with that point later on. His motion comes to this. It is not the recognition of a public purpose for which facilities ought to be afforded—the recognition of the public right to worship—not that Government should be called upon to assist in helping a section of the public to perform their religious duties. Sir, the motion is to make provision for erecting prayer-houses in the holdings of tenants. What is the significance of the words "holdings of tenants"? When land is acquired under the Land Acquisition Act, individual rights to the land do not come in; compensation money is apportioned amongst the different people having rights to the land. It is the land which matters, and the rights to it are subsidiary questions. When the land is valued, and compensation is paid, that compensation is divided amongst the various parties who have rights in the land. But the words that the Land Acquisition Act should make provision for erecting prayer-houses in the holdings of tenants involve that some right is sought to be created in connection with the holdings of tenants. Why? My reading of the motion is that the mover wants to create an individual right in the tenant to erect prayer-house, which may be for the benefit of the public at large, but nevertheless, he wants to create an individual right in the occupier of the holding or the tenant of the holding to erect prayer-house, notwithstanding his contract with his landlord. Now, Sir, that is the portion to which I object. I have no objection to Government being invested with the power of acquiring land—my submission is that Government is already invested with that power—for the purpose of enabling large sections of the public to have prayer-houses. If the motion were worded to that effect, I would have been only too glad to accept it. But the motion, as it is worded, I cannot accept, because it means the creation of a tenancy right and that the Government should assist in the creation of it, *i.e.*, to add to the existing tenancy rights. The use of the words "holdings of tenants," implies that Government should amend the Land Acquisition Act in order to add to tenancy rights. That is not the function of the Land Acquisition Act, nor is it within the scope of that Act. The scope of the Land Acquisition Act is to acquire land compulsorily for a public purpose. Why should tenancy rights, or any right for that matter, come in under the Land Acquisition Act? If it were suggested that the Government do use the Land Acquisition Act for the purpose of acquiring land for a public prayer-house, I could have understood it. But that is not the motion. Therefore, I am unable to accept it. I have said that the Land Acquisition Act does apply in certain circumstances when Government is satisfied that there is a public need. If the Land Acquisition Act does not apply for the creation of private or individual rights, although in respect of such rights benefit may ensure to the public, then the Land Acquisition Act

is not the statute which requires amendment. You may have *ad hoc* legislation, or you may amend other laws which deal with this matter.

Then, Sir, having explained the Government's position, I want to say one word as regards the threat of Nawab Musharruf Hosain. He told us that Government ought to be fortified with the confidence of the Muslim public in this province. What has the Government done to forfeit the confidence of the Muslim public? The High Court has given a decision, and we must take it as a correct decision. (MAULVI SYED MAJID BAKSH: "It is a far-fetched conclusion.") But, Sir, even if that decision was wrong, it must be remembered that it was given on the construction of a certain section of the Bengal Tenancy Act. How is any amendment of the Land Acquisition Act to help to rectify the wrong construction of a section of the Bengal Tenancy Act? Assuming that the High Court has given a wrong decision, is it suggested that by reason of the High Court giving a wrong decision, Government has forfeited the confidence of the entire Moslem community? What is this threat for? Whom is it meant for? When we are discussing these matters, let us not be carried away by emotion. I can assure my friend there that if there be a demand which could be considered to be a public demand, *i.e.*, of a large section of the public and if he finds any difficulty in having that demand satisfied, then what he has been very kind to describe as my resourcefulness will be at his disposal. There is no question of communal jealousy here. The motion is worded in general terms; it does not specify any particular community. Muslim members, when speaking on the motion, were only dilating, naturally, on the needs of their own community. But it does not mean that the motion is confined to any one single community. Hon'ble members may be aware that in the district of Darjeeling, Government gave land, rent-free, to Christians for building two churches, one for Roman Catholics and the other for Protestants, to Moslems for building a mosque, to Hindus for a temple and to Buddhists for a monastery. So, it is not a question of finding land for this community or that community. Whenever there is a genuine need for any large section of the public, it is the duty of the Government to see that that need is satisfied. My submission is that the existing law is adequate and that no amendment is necessary. In any event, the motion which seeks to create individual rights is unacceptable to Government.

Maulvi TAMIZUDDIN KHAN: Sir, before I ask for leave to withdraw this motion, may I make a short speech?

Mr. PRESIDENT: If you wish to withdraw, you must do so unconditionally and without a speech.

Maulvi TAMIZUDDIN KHAN: Sir, in view of the fact that as far as the Land Acquisition Act is concerned——

Mr. PRESIDENT: Order, order. I cannot allow you to make a speech. Do you want to withdraw your motion?

Maulvi TAMIZUDDIN KHAN: Yes, Sir.

The motion was then, by leave of the Council, withdrawn.

Kazi EMDADUL HOQUE: Sir, I beg to move that the demand of Rs. 1,41,000 under the head "5A—Charges of administration—Certificate establishment" be refused by Rs. 100.

Sir, I have brought forward this motion with a view to bring to the knowledge of the members of this distinguished House the enormity of the grief and sorrow to which the poor cultivators have been driven and the oppression to which they have been subjected to, because of the operation of the certificate procedure in the whole province and in particular, the Rangpur district. This is not a normal procedure by which rent should be realised. This is certainly an abnormal procedure which should not be applied when there is no occasion for it. It is admitted on all hands that at the present time the country is passing through economic distress and that the condition of the poorer classes, viz., the cultivators, has been made extremely worse. If they do not make any payment of rent, it is not because they do so from a motive or from negligence, but it is because they are not in a position to make regular payment of rents as they used to do before. This is not denied by the Government also. The Government acknowledge this fact and admit that such a crisis has arisen in the country which has so overtaken the cultivating section of the people that they are really not in a position to make regular payments of rent. Now even admitting and acknowledging this patent fact, they ignore that in such circumstances even the administration and the ordinary law should be cruel hardship. When the Government admit the fact of the miserable plight of the tenants, it is their lookout to see that even the ordinary procedure should not be had recourse to. The Government in such circumstances ought to see that the cultivating *raiyats* do get sufficient time to make payments, and even by granting remissions to the landlords, or granting landlords sufficient time to make their payments they should allow the cultivators sufficient time to make payments of rent. But instead of doing that the Government have thought fit to allow the cultivators to be treated with this harsh measure—the certificate procedure. This is a penal measure which ought to be applied, as I have said, only when there is an occasion for it. If the tenants having sufficient means to make payment of rent fail to do so, it is then and then only that this certificate measure should be had recourse to for the recovery of the arrears of rent. But here no such case arises. On the contrary, there is the abnormal condition prevailing in the country for the matter of which these people are not in a position to make their payments, and

what disaster is brought on account of the operation of the certificate procedure upon the poor cultivators in the rural areas. There is no denying the fact that the cultivators have been brought under ruthless treatment by the various agencies employed by the certificate court. The tenants as soon as they get notice go to the certificate court for having a short time, but even that is refused in many cases, and where time is granted, the time granted is so short that it is not at all possible for the cultivators to secure money and make the necessary payments. The time granted in most of the certificate cases is simply ridiculous. The tenants are granted three or four days' time, at best not exceeding a week, as though the cultivators have got money in their own home and shall bring it to the certificate officer for making payment of the demand. The certificate officers do not for a moment consider that these poor cultivators would not be in a position to secure money in the course of three or four days, that is, within the short time granted. Regardless of the condition of the poor tenants, they would sit in their headquarters and would go on passing orders and putting oppression upon the poor villagers with the result that in many cases the cultivators have been reduced to the position of beggars. They have been made homeless and landless, and to whom did their lands pass on? Their lands passed into the hands of the landlords. The landlords purchased those holdings for one pice in the certificate court. In the case of the court of wards, the court of wards purchased their lands for one pice. The fact is that a land is purchased for one pice at the certificate sale whatever may be the demand. If the land could have been purchased for the entire amount due, we could understand that, but we find that in almost all the cases lands are purchased by the court of wards for one pice. What a ridiculous state of things it is. The poor people have lost their lands, but their liabilities remain on their shoulders. Even if the future position of the country be such that a man would become solvent and acquire other properties, still he would not be able to purchase those lands which he has been deprived of as a result of the certificate sale. It is simply astonishing how a property of which the demand is Rs. 1,000 be purchased for one pice. What motive is there behind it, we cannot say. But it is nevertheless a fact, and we have seen with our own eyes that properties were sold and are being sold day after day for one pice only, whatever might be the demand, whatever might be the dues, and that while the lands of the poor tenants have passed away from their hands their liability remains all the same. This is the state of things at present prevailing in the country. This shows the total apathy on the part of the Government towards the poor people in the villages. Government have sympathy, if sympathy they have at all, for a limited few, but not for the entire mass in the rural areas from whom they derive their living. There was a day when everyone would think himself fortunate to have been placed under the rule of the British Government, but alas, what is the feeling to-day? If we recall

to our memory the reign of Queen Victoria, we even now find that as soon as we recollect her name we feel as if she is living in our midst. She created such an impression in the minds of the people of India that her name has been immortalised and has made such a lasting impression in the minds of the people of India that it would not lose its vivacity. So I say this unjust measure is due to the total apathy on the part of the present Government. I simply ask the Government to reflect from what lofty height they have fallen to what abysmal depth. There is yet time to mend the follies, and I only ask the Government to be a little sympathetic towards the poor villagers and do all that lies in their power for their welfare. With these few words, I commend my motion to the acceptance of the House.

The Hon'ble Sir BROJENDRA LAL MITTER: So far as I could follow the hon'ble mover's speech, it boils down to this, that on account of agricultural depression tenants are finding it difficult to pay their rent, and therefore the certificate procedure should not be employed for the purpose of recovering rent. That was the gist of his speech. What is the alternative? Suppose a landlord has got to realise rent from his tenants. If he has the right to use the certificate procedure, he has two remedies—either to bring a rent suit or to apply for a certificate. Now, which is the better course so far as the tenant is concerned? If the landlord has to bring a rent suit, then he must sue for the whole of his claim for four years, whereas under the certificate procedure he can proceed only for a year's rent. Instead of the tenant being called upon to pay four years' rent in a rent suit, he is called upon to pay only a year's rent. Therefore, the certificate procedure is to the advantage of the tenant. Further, the certificate procedure means this. As soon as you get a certificate, it is tantamount to a decree. That means that all the proceedings prior to the decree are avoided: the whole suit is avoided and you start from the point of the decree and avoid the whole costs of the suit. Hon'ble members are aware that a certificate is never issued if there be any *bona fide* dispute as to the claim. In the certificate procedure the landlords' rights are hedged in in so many ways that it cannot operate oppressively, unless, of course, the landlord in every case goes up and sells up his tenants, which no landlord wants to do.

Sir, Rangpur has been mentioned in this connection, and I will tell the House what our experience at Rangpur has been. We attached a particular estate there under the Cess Act and Government collected rents and cesses from the cultivators upwards to the tenure-holders. We managed to collect in the course of four or five months as much as Rs. 14,79,000 without the issue of a single certificate. (KAZI EMDADUL HOQUE: "By sheer force of tyranny.") It shows that there are tenants, and different grades of tenants, who were in a position to pay, but were not paying. It is no use saying that every tenant is so helpless at the present moment on account of the economic depression that he cannot

pay at all. [illegible], as I have said, we realised about Rs. 15 lakhs without the issue of a single certificate and without executing a single decree that shows that the tenants, so far as Rangpur is concerned, had money enough to pay their rents, but that they would not pay. But when they saw that Government were determined to realise the rents and cesses, they paid up.

The main advantage of the certificate procedure is that the record-of-rights must be kept up to date.

Mr. P. BANERJI: How were these rents and cesses realised? Did the tenants pay out of their own accord?

The Hon'ble Sir BROJENDRA LAL MITTER: Yes, Sir, these rents were realised without the issue of a single certificate, and I will tell you how. When Government was realising these amounts, the tenants had to pay no *abwab* or illegal cesses. They had to pay rent and rent only and got a clean receipt for their payment and that is why they readily paid up their dues. A tenant who was in arrears for four years came and paid Rs. 35 and got a clean receipt for a year. By this he was taken aback and he said: "What, have I got a clean receipt for a year for having paid Rs. 35?" Yes, that was a clear acquittance for a year; and next day, from his own accord, he brought in another sum of Rs. 35 and said that in normal times he could not get a clean receipt for a year unless he paid as much as Rs. 52. That is why I say that when we collected this sum of Rs. 15 lakhs there was no oppression. Directly, we heard of a grievance, we immediately made an enquiry into that grievance and we found that in all cases these alleged grievances were ill-founded. This is the history of Rangpur. The certificate procedure is helpful to the tenants in this, that it saves them the whole cost of the suit, it also saves them from paying anything in excess of the contractual rent. It saves time also, and it also enables the landlord to sue for a year's rent, whereas, if he has to file a suit, he would have to bring a suit for four years' rent. So, for all these reasons, the certificate procedure, although a summary procedure, is not an oppressive measure. I can assure the House that very strict orders have been made by revenue authorities that the certificate procedure should be used with moderation and in a manner so as to avoid all possible hardship. As a matter of fact, no certificate is issued unless the claim is about to be barred. We have allowed arrears of rent to remain in abeyance, but it is only in respect of those claims which are about to be barred, that the certificate procedure had been resorted to. This is, Sir, how the certificate procedure has been used during the past year. Some instances were brought to our notice and they came, some from Chittagong and some from Bakarganj. I

went to these places personally and made personal enquiries. Strict orders were given to the Collector not to use certificates unless it was absolutely necessary and unless the claim was about to be barred. And the result has been that hundreds of certificates which had been prepared were held up. Wherever Government found that the tenant was not in a position to pay and the execution of a certificate involved buying him up, in such cases the certificate was never used. It is only in cases where the tenants was contumacious, *i.e.*, where the Collector was satisfied that the tenant was in a position to pay but would not pay, and where the claim was about to be barred that certificates issued.

Then, Sir, the hon'ble mover mentioned the case of lands being brought by Government for one rupee. (A VOICE: "Not for one rupee, but for one pice.") It does not make any difference whether it is one rupee or one pice. For the balance of the rent the debtor remained liable. I assure the House, Sir, that several cases like that were brought to our notice and orders have been made that where Government bought land, in execution, for a nominal sum, then the whole debt should be deemed to have been wiped out. This is what we are doing. Sir, we are not blind to the plight of the people on account of this worldwide economic depression. After all, they are our countrymen; we feel for them and it is cruel to suggest that merely to get revenue we use our drastic powers oppressively. We do nothing of the kind. Sir I know of instances in which trouble arose on account of propaganda, that if tenants held up paying rent for a sufficiently long time Government would be compelled to remit. I personally went to some of these places with Mr. Martin. We met the tenants. They paid up and said that they were in a position to pay even before, and the reason why they did not pay was this propaganda that, if they held up their payment for a sufficiently long time, they would be excused. There are, of course, cases of hardship, but in cases which were brought to our notice redress was given and we have taken adequate measures to see that no unnecessary hardship is caused to the tenantry. After all, our idea is that the Government should be a model landlord. Sir, certificate is issued in the case of court of wards estates, in the case of Government *khas mahals*: the privilege has been given to certain *zemindars* who have qualified for such certificates, that is to say, by maintaining record-of-rights and by fulfilling the conditions which are laid down in the Certificate Act. So far as the management of the courts of wards and Government estates is concerned, the certificates has never been oppressively used, and so far as the *zemindars* are concerned no case of oppression has come to our notice. I am, however, glad that this matter has been ventilated as it has given me a chance of saying what we have been doing with regard to the certificate procedure. But the motion which is tantamount to a vote of censure on Government for maladministration of the certificate procedure, I must oppose.

Mr. SHANTI SHEKHARESWAR RAY: Mr. President, Sir, I would not have intervened in the debate, but for certain remarks made by the Hon'ble Member. Sir, he has stated that the policy of Government in the matter of issuing certificates has been working very well, it has been in the interests of the tenants, and it is a better system of collection than that employed by the *zemindars*. He has told us also that he has heard of tenants who welcome this system of collection because when collections are made by the *zemindars* they have to pay more, they have to pay *abwab*, but here they have to pay nothing, not even costs. Well, Sir, it is all very well for the tiger to paint himself. The rosy picture that the Hon'ble Sir Brojendra Lal Mitter has given of his department may only flatter himself: that is not the opinion of the people about the working of the Certificate Department; they have quite different idea. Well one picture has been very well painted before this House by my friend Maulvi Abdul Hakim who represents Rangpur in this House. He speaks with personal knowledge of things, whereas the Hon'ble Sir Brojendra Lal Mitter speaks from knowledge acquired from his records and from the reports submitted by his subordinates. Sir, I know what value the House will attach to his opinion and to the opinion of my friend Kazi Emdadul Hoque. Sir, we on this side of the House will not take much time to make up our minds to accept the picture that has been presented to us by the Kazi Sahib. He is a sincere man and has full knowledge of the hardships that the members of his constituency have to undergo in the Rangpur district, and he has rightly placed their grievance before this House. According to Sir Brojendra Lal Mitter the people of Rangpur are so well off that it is not at all difficult for his subordinates to collect something like 15 lakhs and odd even without issuing certificates. Well, Sir, if there was no hardship why should the Kazi Sahib make a grievance of it here? I think it would be convincing to any reasonable man that the ease with which Sir Brojendra Lal Mitter and his men have been able to collect the money goes to prove that there has been certain amount of highhandedness. People do not so easily come forward with their money to pay. So by the action of the Government officers in the previous years such a situation must have been created which makes it preferable for the people to make payments without the agonising process that follows a certificate procedure. That appears to be the reasonable explanation for such an easy collection. Well, Government also collects money very easily by various other ways. We know how the local officials in this district manage these things. As regards the issue of certificates the Kazi Sahib has presented the case from the tenant's point of view. I will now place another point of view, that is the landholder's point of view. This procedure is not allowed to all *zemindars* in the districts. What about them? Are they not placed in a difficult position in collecting their dues if this certificate procedure is followed with rigour. They are certainly at a disadvantage and

so, speaking as a landholder, I would suggest to the Government that they should ask their officers to execute the policy of the department with sympathy and in a way that does not come into conflict with the interests of the other *zemindars* of the district. In this connection I would like to draw the attention of the Hon'ble Sir Brojendra Lal Mitter to one thing. He can help the other *zemindars* who want to realise money without compelling the *zemindars* to take recourse to this certificate procedure. That has been done in certain cases in the district of Rangpur. There is, I think, the Garneshi Rules. If Government accept the rules that are in force in certain other provinces, perhaps Government may not be held responsible for this execution of the certificate procedure in respect of many cases. I do not see why the matter is not receiving the attention of Government, though the point has been raised about two years ago. Sir, I hope that the Hon'ble Sir Brojendra Lal Mitter will take the criticisms in good grace and try to shape the policy as far as possible in accordance with the wishes of this House.

The Hon'ble Sir BROJENDRA LAL MITTER: I may inform the hon'ble member and other members that the High Court, at our instance, has issued Garneshi Rules.

Mr. O. M. MARTIN: Sir, I just want to say a few words. It is quite wrong to suppose that the Board of Revenue which is responsible for the collection of Government revenue is unsympathetic towards the tenants. It is quite wrong that the Revenue Secretary is unsympathetic, and it is still more wrong to suggest that the Hon'ble Member in charge of the Revenue Department is unsympathetic towards the tenants. We are taking great pains in the Revenue Department to find out the exact state of affairs. We are trying to find out in what parts of the *khas mahal* the tenants cannot pay, and we have tried to impress upon the local officers, and have succeeded in doing so, to be strict where the tenants can pay and to be lenient where the tenants cannot pay, and I think that is the correct policy and the House will agree that this ought to be the policy.

The next point I should touch upon is that the Board does not look upon the certificate procedure or rent suits as "the proper method of collecting rent." It is not the correct method. Rent is to be collected amicably. Certificate and rent procedures come in where tenants are obstructive. When the Hon'ble Sir Brojendra Lal Mitter and myself went round, we tried to impress on the local officers that the number of certificates should be kept down, but the collection should be increased where the tenants would pay. I am glad to be able to say that the local officers have been very successful in carrying out this policy. It is very bad, in the opinion of the Board of Revenue and in the opinion of Government, to issue a large number of certificates against

tenants. When it is found that the number of certificate is mounting up so heavily, there is something wrong. Either the tenant cannot pay, in which case some concessions are called for, or else there must be some sort of propaganda against payment of rent, in which case it is our duty to carry on a counter-propaganda and try to persuade the tenants to pay. (A VOICE: "Where is propaganda being carried on?") Propaganda has been going on in a large number of districts in Bengal. One of those districts was Bakarganj. It had also been going on in Rajshahi where I was the District Magistrate a couple of years ago. I tried then to do something about this propaganda against payment of rent and was trying to bring landlords and tenants together with a view to make the tenants agree to pay. I found it difficult to persuade the landlords to give up their *abwabs* or the tenants to pay their rents; both sides could not be persuaded: that is the absolute truth. This sort of propaganda is going on in various districts of the province. Nearly every District Officer will be able to tell you something about it. I wish to repeat that Government think that the certificate procedure, on the whole, where the record-of-rights is up to date, is a much better way of dealing with refractory tenants than rent suit. It is much easier on the tenants: it is much fairer to them than rent suits. But Government do not look upon either of such methods of collecting revenue as *good*, and if we can find any way of collecting rent without recourse to these measures we certainly do so. But it is a matter of great regret when tenants deliberately withhold their rents and if any so called sympathiser of the tenants go round and encourage them to regard the demand for rent by the landlord as somthing fundamentally unjust and to be evaded if possible, such people are not real friends of the tenants, and as a lover of tenants I would look upon such propaganda with great sorrow.

Kazi Emdadul Hoque's motion was then put and lost.

Maulvi ABDUL HAKIM: I beg to move that the demand of Rs. 1,41,000 under the head "5A—Charges of administration—Certificate establishment" be reduced by Rs. 100 (undesirability of a too free investment of landlords with certificate powers).

I move this motion to draw early attention of Government to the inhuman oppression which the tenants are being subjected to by the too free investment of landlords with certificate powers. In these days of dire economic depression the tenants are unable to pay the full amount of their rents which were abnormally increased during the time in which the prices of jute and paddy were on the increase. Sir, we have been repeatedly tabling motions of this nature in this Chamber year after year, but Government are adamantine not to hear the grievances of the helpless tenants. The scarcity of money among the tenants has

already broken the legs of tenants. Over and above that the certificate power given to landlords has begun to break the very backbone at this time.

The unusual cost for service of sale proclamation and other processes preparatory to the auction sale of a *raiyati* holding in a certificate case, as also the amount of interest decreed upon the arrears of rent claimed, including an exorbitant fee to be decreed as compensation for the alleged labour which the landlord's officer is said to undertake for conducting the case, are ruinous claims that finishes tenants' little all in course of a few months in all cases instituted under certificate procedure. I wish to draw the particular attention of the Hon'ble Member to a significant point, *e.g.*, the short time during which the money decreed in a certificate case is realised from the tenant. When the decree in a certificate case is executed upon a tenant who is unable to pay his full decreed rent within a short period, the tenant's little all including his dwelling house and ploughing cattle are first seized by the order of the Certificate Officer; and it is often found that by such procedure, only a portion of the decretal amount is realised. The unfortunate tenant cannot even take shelter in court for realising his dwelling hut and ploughing bullocks for want of cost of conducting a claim case, though he is entitled to release them according to law. The remaining portion of the decretal money serves only to put up his entire holding to auction sale which is generally purchased by the landlord at a very nominal value which is far below the real value of the holding. Sometimes the sale price is so ridiculous that the Hon'ble Member-in-charge will hesitate to believe it. Sir, the unfortunate tenant thus having been deprived of his hearth and home turns into a day-labourer or a beggar and his holding thus increases the area of *khamar* lands of his landlord. Such cases are not rare in *elakas* where certificate power has been granted to the landlords. Sir, big officials who count their salaries by thousands month after month, may not believe these tragic events but, Sir, I can assure this House that if the Hon'ble Member in charge of the Revenue Department condescends to accompany me to go to the countryside, I may show him numerous examples of these tragedies in my own district as well as in other parts of the province. If he goes to the locality and observes the misery of tenants, tears would roll down his face and he would return to the metropolis with a heavy heart. I can give the Hon'ble Member the names of several villages in my district in which such oppressions were committed under cover of certificate procedure. In fact, in areas where certificate power has been granted, the whole procedure in a case, from beginning to end is done so promptly and summarily that the landlord realises the tenants' last pound of flesh in land in a few months.

On the other hand, when a suit for arrears of rent in a *zemindary elaka*, where no certificate power has been granted, is filed, and a decree

is passed, the landlord has to wait for at least a year's time or sometimes more than this, for the realisation of the decretal money. Thus, to his great relief the tenant gets at least one or two crops during the pendency of the rent execution case in a civil court. Thus, the wretched tenant gets twofold advantages in time of his extreme suffering, *i.e.*, anyhow he manages to meet his two ends together; and, on the other hand, he can pay up his arrear rent as much as he can, by harvesting and selling his crops in the meantime. In fact, certificate powers granted to the landlords would only augment the amount of suffering of the helpless tenants. Landlords sometimes say that they are also suffering owing to the less realization of rents from tenants, but can their sufferings be compared with those of the tenants? Since after the economic depression, the sufferings of tenants beggar description. Last year in the month of *Baisakh*, I went to a tenant to see how he was passing his days. I saw him eating raw potatoes with his little children. I asked him why he was eating raw potatoes. He replied that by eating raw potatoes he could check his hunger for a longer period. I would ask the landlord group of this House, if any one of them had eaten raw potatoes to mitigate his hunger. They have not shared even a microscopic fractional part of the sufferings of their tenants. I can show that in every village a number of tenants have been rendered homeless and landless. But can the landlord party show a single instance where a *zemindary* has been lost for arrears of revenue? If any *zemindary* has been lost, that is lost not really for arrears of revenue, but for his unearthly enjoyments and luxurious habits which made him bankrupt perhaps from before the time of depression. Sir, to my utter grief, I can name a landlord having certificate power in my locality who has purchased elephants even a few months ago, when the country is still under the iron grip of economic depression.

In other provinces such as the Punjab, the United Provinces, etc., rents were remitted to the extent of 50 per cent. or so, but alas, we the accursed and benighted tenants of Bengal cannot expect to get such remission. Jute is the principal money crop of the cultivators of Bengal, and it is the unusual slump of the jute market that has brought ruin upon the tenants.

Sir, since after the permanent settlement the tenants' rents are so abnormally increased that they are now unable to bear the heavy burden of their rents. The House perhaps remembers that I have repeatedly mentioned that tenants' rents have been increased more than 200 times the actual revenue in certain *mahals*.

The other day from the speech of my colleague, Haji Badi Ahmed Chowdhury, I came to learn that even in a temporarily-settled estate

which we are glad to call *khas mahal*, the *raiyat's* rent has come up to thirty rupees per acre. In my own *parganah* (Alapsingh), the average rate of tenant's rent is not less than six rupees per acre, while the landlords pay roughly four annas as revenue and two annas or so as cess per acre. May I not call such enhancement of *raiyati* rents as plundering tenant's money under the cover of a lawless law? We the tenant's representatives in this vaulted Chamber have repeatedly appealed to Government through this House for a substantial reduction of tenant's rent, but in vain.

In these hard days if the tenants can anyhow maintain themselves with the yield of their land, they are unable to pay their rents at the same time.

Mr. PRESIDENT: Order, order. Maulvi Sahib, you need not labour that point. You better confine your remarks to your motion. You tabled your motion to discuss the undesirability of a too free investment of landlords with certificate powers. You should develop your arguments on that line.

Maulvi ABDUL HAKIM: Sir, I was describing the conditions in which the poor tenants were living.

Maulvi SYED MAJID BAKSH: Sir, is not the mover in order in showing that the *zemindars* are not exercising their power in a proper way?

Mr. PRESIDENT: Order, order. I never said so. Maulvi Abdul Hakim may now try to develop his arguments according to the directions I have given him.

Maulvi ABDUL HAKIM: Sir, I am glad to find that Rai Bahadur Keshab Chandra Banerji being himself a *zemindar* has brought a similar motion to show the unjustness of the certificate powers being granted to landlords in these hard days. This goes a great way to show that the *raiyats* have really fallen into a quagmire. It is meet and proper that instead of granting certificate power to landlords, the Government should take such steps for the reduction of *raiyati* rents in Bengal, as was taken in the Punjab, the United Provinces and other provinces. It is no use flogging a dying horse. If any rider does so, I must call him a congenital idiot. If Government do not discontinue the grant of, or withdraw, certificate powers, I may affirm that it would cause such a widespread disaffection and consequent unemployment among the countless millions of the agricultural people as may threaten the peace and tranquillity of the country for ever. Government should always think that these countless millions are the real

power behind the throne and a wise and considerate Government should always see that these countless millions should not be driven into dispair and unemployment.

Sir, the number of educated unemployed persons though not very large has already become a sort of menace to the country, and I can assert that millions and millions of hungry tenants, if rendered homeless and landless, may one day run amok, and surround the houses of landlords with the cry "Give us bread or land." I warn the landlords beforehand not to exploit the tenants with the help of certificate powers and invite such a melancholy hour as may banish peace and tranquillity from the country for ever.

Sir, even in these hard days the landlords' realization of rents from tenants is no less than 50 per cent. of the total rent. To give a concrete example of the present day comparative realisation of rents by landlords and other agencies, I may say that in my *parganah* (Alapsingh) the revenue is roughly Rs. 71,000 and the rent payable by the tenants amounts roughly to Rs. 11 lakhs, *i.e.*, the tenants' rental has amounted to an amount which is no less than 15 times the actual revenue of the *parganah*. Even in these days of economic calamity the landlords of my *parganah* are realising no less than 5 lakhs of rupees annually from the tenants, *i.e.*, the landlords realise even now more than seven times the revenue of the *parganah*.

Mr. PRESIDENT: Maulvi Sahib, you are off the rails again.

Maulvi ABDUL HAKIM: Very well, Sir. I would omit this portion. (Laughter.)

Sir, the collection charge in Government *khas mahals* is generally not more than 10 per cent. of the total rent. A tenant is to get an enhancement of rupees 25 per cent. from his under-tenant. Not to speak of the rate of realisation in *khas mahals* can these landlords not come down to a percentage of at most 50 per cent. realisation as profit or collection charge over the revenues they actually pay to the Government? The revenue per acre in my *parganah* is roughly four annas.

Mr. PRESIDENT: Maulvi Sahib, you are again treading on forbidden grounds.

Maulvi ABDUL HAKIM: Very well, Sir. As the tenants are paying such heavy rents, is it not unjust or rather inhuman to grant certificate powers to the landlords for exploiting the tenants? May we not get the ordinary time that is generally given by civil courts in rent execution cases for paying our decretal rent in lieu of the excessive rates of rent that are imposed upon us?

In conclusion, I may say that the question of reduction of tenants' rents in Bengal has become overdue.

Mr. PRESIDENT: That matter is miles away from your motion.

Maulvi ABDUL HAKIM: Very well, Sir. I think it is high time for Government to pass an ordinance——

Mr. PRESIDENT: Order, order. You may now resume your seat.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Mr. President, Sir, I am sorry that I cannot make anything out of the speech of the mover, or rather I am unfortunate, as I could not follow the arguments put forward by the mover of this motion; nor am I able to grasp the real intention of this motion. He has hopelessly failed to make any impression upon this House. At first, my friend, the mover of the motion, said that because certificate powers have been granted to landlords, the tenants have got to pay interest at a higher rate. Probably, this is one of his chief arguments. But, I can inform my friend that in certificate procedure cases, interest at the rate of only 12½ per centum per annum is charged; whereas the civil courts allow as much as 25 per centum per annum by way of damage. So, it will be seen that in certificate procedure cases the interest charged is only half of what is, so often, sanctioned by the civil courts.

Sir, the object of utilizing the certificate procedure is to ensure the prompt and easy realization of rents; there is no question of oppression as outlined by the mover. On the other hand, if a tenant withholds the payment of his rents, the certificate procedure provides that he is made to pay his rents as early as possible, which means benefit both to him and to the landlord. In any case, from whatever point of view the question is considered, it is not desirable to have recourse to the dilatory methods of civil courts, inasmuch as an action in a civil court spells considerable delay, annoyance, and expense to the landlord and more especially to the tenant.

Sir, my friend has further complained that in certificate procedure cases no time is granted. From my personal experience of the state of affairs I can say, perhaps, without any fear of contradiction, that sufficient time is always granted according to the pecuniary condition of the tenant. It is not correct to say that a tenant has to pay all his dues or rents immediately the procedure is set into operation; the fact is that the Certificate Officers consider very carefully the circumstances of each case and allow such time as would enable the tenants to pay up, with the least possible trouble to them. But what about the procedure followed in the civil courts? It is often ruinous for the tenant to have recourse to civil courts. There rent suits—like all other kinds of suits—are delayed beyond measure owing to congestion of work, the parties are harassed a good deal, and the tenants have to pay an *ad valorem* pleader's fee. In a certificate case, a tenant has to pay annas 8 to

Re, 1 as the case may be, towards the cost for pleader or agent, whereas in a rent suit, he will have to pay the *ad valorem* pleader's fees. But even here the tale of woe does not end; the poor tenant has to pay other charges over and above the court-fee, the incidental expenses (including perquisites), and so forth. So, in the long run, he has to spend money many times over his real rent realizable by the certificate procedure. Is it not, therefore, a good thing for him to pay up his rent under the certificate procedure?

Sir, I agree with my hon'ble friend that if one has to pay all his dues at one time and in one instalment, then it is a matter of hardship to him. But what I do submit to this House, Sir, is that under the certificate procedure one has *not* got to pay up his dues at one time and in a single instalment.

Sir, the mover of the motion has referred to the resolution of Haji Badi Chowdhury. My friend Haji Badi Ahmed Chowdhury has said that in temporarily-settled estates the rent is enhanced to the extent of cent. per cent. by the assessor of the Government in determining the valuation of the holding. This has nothing to do with the *zemindars*. A landlord is allowed by the law not to enhance more than 2 annas in the rupee in the course of 15 years. So the accusation against landlords is not justified. Sir, the mover has said that Rai Bahadur Keshab Chandra Banerji has already brought in a similar motion for discussion by this House; but the motion which has been brought forward by the Rai Bahadur relates to the question of the realization of cess by Government and that motion has nothing to do with the motion before the House now. I, for one, cannot make out how he has got that idea in his mind. I am sorry that the mover has made such a mess of the whole thing and misled the House of the true position of affairs. On the whole, I can assure you, Sir, that the certificate procedure is a better way for the realisation of rent than the Civil Procedure Code from the point of view of the tenant. In the civil court one has to pay the lawyers' fees and many other miscellaneous expenses which are ruinous to the tenants. With these words I oppose the motion.

Mr. SARAT KUMAR ROY: Sir, it is not true that the *zemindars* are too freely invested with the right of enforcing their rent demands under the Public Demands Recovery Act. Such privileges are given to a landlord only when he can satisfy the authorities on many important points.

In the next place, there is hardly any difference between the execution of a certificate and that of a rent decree of the civil court—except that in the latter case, the tenants can protract the proceedings, causing material injury to the landlords.

Moreover, Sir, landlords enjoyed far speedier methods of realising their rents in the early days of British rule. They could then attach

the tenants' moveables without even applying for the same to any officer of law. The rent laws of 1859 and 1869 repealed these provisions but gave a substitute in the shape of distraint. But the law of 1928 repealed even this last-mentioned right. And the result has been that landlords are finding extreme difficulty in realising rents. They cannot now pay their land revenue punctually according to *kists* and many of their estates are being put to auction. This is causing havoc among the landlords, many of whom are well-nigh ruined. Sir, the situation that now prevails justify rather the application of stringer laws for recovery of rent.

I am informed that in estates managed by Government, cases are not rare in which tenants who at first neglected to pay their rents, speedily came forward as soon as they were threatened with the execution of a certificate demand against them. This shows, Sir, that it is not a fact that in every case the tenants are unable to pay. But on the other hand, it may be safely presumed that they take undue advantage of this economic depression and the leniency of their landlords and sit idle. Moreover, there is outside propaganda to influence them for withholding payment. So it is not so much their inability but such things as I have just referred to that account for non-payment of rent in most cases.

Therefore, I submit that instead of restricting the application of the Public Demands Recovery Act, the situation calls for its extensive application in the field.

I therefore oppose this motion.

Maulvi TAMIZUDDIN KHAN: Sir, I do not know whether I should speak after the authoritative assurance that has been given by the Raja Bahadur of Nashipur that the certificate procedure is a far better procedure and far more conducive even to the interests of the debtors than the ordinary procedure through the civil court. I think he gave the assurance on behalf of the Hon'ble Member in charge. This question was raised in this Council last year also and there seemed to be some sort of agreement in the House that the certificate procedure should not be applied too frequently. Under section 58A of the Bengal Tenancy Act a landlord in an area in which the record-of-rights has been finally published and is maintained, can apply for the application of the certificate procedure so far as the recovery of arrears in his estate is concerned, and in such case Government has to allow such applications. The only thing Government can do is that it can specify certain terms and conditions on which such applications can be granted. Therefore, as the law stands, we cannot say that the practice of investing landlords with powers of certificate should be discontinued altogether. The only way in which Government can restrict a too frequent application of this

procedure is by laying down and enforcing certain stringent rules. One of my *zemindar* friends has said that that is always done. But my friend Maulvi Abdul Hakim has drawn a very harrowing picture of the distress which the tenants of certain estates are suffering on account of a drastic application of the certificate procedure. I also know of a certain estate in which there was a tremendous agitation amongst the tenants on account of the very drastic and unscrupulous application of the certificate procedure. In view of the fact that the certificate procedure is a summary procedure, if a landlord is not very scrupulous, he can do a lot of harm to his tenants. Questions which are adjudicated upon in the civil court are not entered into in the certificate procedure. But I do not mean to say that all landlords are unscrupulous and are liable to apply the certificate procedure to the detriment of their tenants. There are landlords and landlords and in certain estates there has been some misuse of the powers given under the certificate procedure. Therefore, it is incumbent upon Government to see that this certificate procedure is not too frequently applied. I do not say that the certificate procedure is a procedure which is altogether bad. It has got its merits; there is no doubt about that. So far as the recovery of Government dues are concerned, I think the Public Demands Recovery Act has worked satisfactorily on the whole, but as the *zemindars* are now being invested with the powers under the Act rather too frequently, there have been abuses in several cases. I may remind the House that the Hon'ble Member who was in charge last year, gave us an assurance that this matter would be looked into and if it transpired that there were real cases of hardship, Government would certainly see whether more stringent rules might be laid down to restrict the investment of *zemindars* with these powers. I do not know whether Government has since examined the position and whether Government has revised the policy of investing the *zemindars* with these powers.

Maulvi SYED MAJID BAKSH: Sir, I cannot aspire to have that eloquence with which the mover of the motion has spoken, but what I am trying to put before you is to show that certain practical difficulties arise in the application of the certificate procedure when some of the *zemindars* who are granted powers under the certificate procedure apply to the certificate courts under the Public Demands Recovery Act. We have experience every day and we find that sometimes real injustice is done for which there is no remedy, and in view of that I submit that my friend's motion has certainly got something to be said in its favour. For example, if a landlord having acquired certificate powers sues in a certificate court under the Public Demands Recovery Act for arrears of rent, the only provision in that Act about his liability is that under section 9 when there is a denial of liabilities, then and then only he can contest the claim. But rent is not so simple a debt as an ordinary

debt. An ordinary debt is a very simple thing arising out of obligation either upon a bond or similar other liabilities. Rent has an additional difficulty of being connected with land and its obligations are so varied with respect to a particular case that it is beyond the capacity of a simple certificate court to see them and act according to them. Therefore, when a tenant appears before the certificate court and wishes to put in his objection, he is precluded from the remedies given to him under the Bengal Tenancy Act. Under the Bengal Tenancy Act if he has some money demand against the landlord, he can put it as a set-off. In the certificate court he cannot do that: he has got to submit to the certificate filed and if he wants to set off that demand against his own he has got to go to the ordinary civil court and sue the landlord which means a long procedure against the landlord who is in a better position to fight the case than the plaintiff. But in the certificate court the landlord executes the certificate, has a speedy decree and realises his rent. This is one of the difficulties which the frequent grant of certificate powers to landlords entails upon the tenants. Then, there is another difficulty—I am entering into legal technicalities because I find the Hon'ble Member will not let me go unless I give him sufficient reasons so far as legal technicalities are concerned. Formerly, the Certificate Act was made use of merely for the purpose of recovering money which was due to the State or some such authority akin to the State. There was an amendment of the Public Demands Recovery Act when it was thought that the landlords should be given powers under the certificate procedure. It was then that the provision as regards annulment of encumbrances was introduced, but the annulment of encumbrances was a very difficult and cumbrous procedure under the Bengal Tenancy Act. None in the civil court without vast experience can deal with these things. An ordinary Deputy Magistrate entrusted with the speedy disposal of cases is not the proper person who can deal with these questions. Moreover, when a man contracts to take land from a landlord in lieu of the payment of rent, he ought to have his choice. If he finds it unprofitable, he ought to be able to give up the land and not pay the liabilities thereof. In lieu of the liabilities, he ought to have the power and right to give up the land to the landlord. Under the certificate procedure he cannot, because the landlord under the certificate procedure never thinks of the land. The landlord at once proceeds to attach the moveables of the person and realise the dues. I agree with persons who know laws that rent is a personal liability as well as a liability of the holding itself and they are inseparable. Even in rent decrees sometimes moveables are attached. But the practice which is in vogue all over the province is that when there is a rent decree, the landlord generally realises the rent by attaching the land, whereas under the certificate procedure he can attach the moveables. Therefore, there is an inherent difficulty but not injustice, I should say, and a technical difficulty for the tenants to meet the landlord's case.

I know, Sir, that the landlord too has his dues, and I do not deny him his dues, but if he has his dues I also have my dues, and I must also have my say and such say is impossible to have in a certificate court as it will be possible under the civil court. Much has been said on this point by my friends, and I do not want to add to them. I support the motion, Sir.

(At this stage the Council was adjourned for 15 minutes.)

(After Adjournment.)

(Mr. Deputy President was in the Chair.)

Babu HEM CHANDRA ROY CHOUDHURI: Mr. Deputy President, Sir, I am sorry Maulvi Abdul Hakim has exhausted his breath over a wrong question and a great part of his speech is based on wrong information and want of knowledge about the conditions attached to the granting of certificate power and also about the execution of certificates. Sir, Maulvi Abdul Hakim is under a misapprehension, that by granting the power of certificates to the landlords the tenants are left at their mercy. For his information and for the information of the House I would refer to notification No. 4794 of the 12th March, 1929. In this notification Government have stated some terms and conditions to be observed in respect of applications under section 158A of the Bengal Tenancy Act. Under these terms and conditions Government reserves its power to withdraw certificates if it is found that any of those conditions and terms are violated. There are several conditions, but I want to draw attention to one of those and it is this: that the requisition for certificate shall ordinarily be filed within the first three months of the agricultural year and shall include all the arrears up to the end of the previous agricultural year which are not barred by limitation; not more than one certificate shall be filed in respect of one tenant within the agricultural year and no damage under section 68 of the Act shall be claimed under the certificate. Sir, in a rent suit the landlord is entitled to claim 25 per cent. damage, whereas in certificate cases, as the condition provides, the landlord is not entitled to more than 12½ per cent. per annum. There are also some other things which are beneficial to the interests of the tenants, for example, legal costs. Those who have any experience of the working of the civil courts must know that in case of rent suits the costs sometimes become equal to the claim of the suit and sometimes even exceed that amount and in case of a rent execution, if the decree-holder has to appoint a pleader guardian for the minor judgment-debtor, as in some cases they have to do when a judgment-debtor dies and his heirs have to be substituted in execution cases, cost often becomes so excessive that the judgment-debtors are very hard hit. Taking into consideration the cost of the pleader's guardian

and that of the pleader's fees for the rent suit and execution of the decree, process fee, postal charges for sending notices to the judgment-debtors, it will be found that the cost in rent suit is much higher and sometimes it becomes so heavy that the judgment-debtors are compelled to part with the land in suit. The certificate is not therefore an evil to the tenant and in a great majority of cases it is rather beneficial to their interests. Sir, another objection or grievance raised by Maulvi Abdul Hakim is that in case of rent execution the judgment-debtor gets much time to pay the decretal dues, whereas in the case of certificates the tenants do not get sufficient time to pay certificate dues. I must tell him that the charge is baseless for in every case the certificate officer invariably allows sufficient time to the judgment-debtor if he finds cogent reason for doing so. From whatever experience we have in these matters we may say that the judgment-debtors have very little genuine grievance against the working of these certificate courts. Under these circumstances, if the power of certificate be withheld, I believe the tenants will suffer more than the landlords, though it cannot be denied that certificate procedure is also helpful to the landlords in realising their rents more speedily. That is also in a sense helpful to the tenants, because if they are allowed to sleep over and their dues grow for three or four years, it becomes very difficult for them to pay at a time; on the other hand, if they know that if they do not pay their dues regularly, the landlords are entitled to file a requisition for certificate against them, they will be more regular in their habit of paying their landlords' dues. I would refer again to some of the terms and conditions in respect of applications made under section 158A. One of the conditions is that the Collector or any other officer deputed by him for the purpose will have power to inspect the accounts of collections and arrears maintained by the applicant landlord. There is a grievance, whether it is genuine or baseless, that the landlords often realise *abwab* from the tenants, but if power for filing requisition for certificate be granted to the landlords, the Collector will have power to look into their realisation papers and there will be a check on the realisation of *abwabs* if there be any such practice. There is also another condition that the certificate procedure shall not be treated as a normal method of realising rents; the applicant landlord must make proper arrangement in his village *cutchery* for the local payment of rent by the tenants; hence, it should not be presumed that if once the landlords are empowered with power of filing requisition for certificate, they will not have to try to realise rent amicably. The Collector is empowered to compel or direct the landlords to realise rent from their tenants amicably as much as possible. Only in those cases where the tenants willingly or purposely withhold payment, the landlords are allowed to ask for issuing a certificate against those tenants. Under these circumstances, there is no legitimate grievance on the part of the tenants against granting of power for filing requisition for certificate to the landlords.

Maulvi ABDUL HAKIM: May I make a personal explanation, Sir. My friend has said that I have not sufficient knowledge of the subject matter of my motion. But in that connection I would request him to go to my district and then he would be able to learn what is going on there and how miserable is the life of the tenants who are suffering from this too free investment of landlords with certificate powers.

Kazi EMDADUL HOQUE: Sir, nobody denies that the certificate procedure is a salutary measure and that it can be applied with advantage to the tenants; we have no difference as to that, but I simply ask whether the time is opportune now for the application of the procedure when the country is passing through a crisis and when thousands of our people are dying from starvation in the rural areas, and are ill-fed and ill-clad—is that the proper time for the application of the certificate procedure? Sir, some of my friends have said that until and unless certain conditions have been fulfilled, the certificate procedure is never resorted to, but that is only a formal matter. The question whether certain conditions are fulfilled or not is to be judged by certain persons according to their standard, irrespective of the condition of the people against whom that certificate procedure is going to be applied. It has also been said that time is granted and that recovery is made by instalments. Sir, time is granted no doubt, but what is the duration of that time? It is only for two, three or at most four days. Are two days, three days or even four days sufficient for the tenants to find money for the payment of their rent? That is simply absurd. Then my friends have said that to go to civil court is a costly affair and the tenants reap much advantage from the certificate procedure. Yes, Sir, the tenants may derive some advantage, but not always. You place this engine of oppression in the hands of some *tahsildars* and these *tahsildars* perpetrate untold *zoolum* on the poor tenants, but do Government make proper inquiry into such matter? The Hon'ble Sir Brojendra Lal Mitter in his speech has referred to the certificate case in Rangpur; perhaps he referred to the Kasimbazar Raj Wards Estate which has now been brought under attachment under section 99 of the Cess Act. In this connection he said that without the issue of a single certificate Government was able to realise an enormous sum, but I say, Government should be ashamed of the conduct of the officers who have been employed for the collection of these——

Mr. DEPUTY PRESIDENT: Kazi Sahib, please restrict yourself to the undesirability of a too free investment of landlords with certificate power; we have already dealt with the motion to which you are referring.

Kazi EMDADUL HOQUE: I had no occasion to reply to the Hon'ble Member when he referred to this matter and that is why I am incidentally referring to that now.

Mr. DEPUTY PRESIDENT: I think you had better restrict yourself to the motion under consideration.

Kazi EMDADUL HOQUE: The Hon'ble Sir Brojendra Lal Mitter also referred to one other thing. He referred to certain mischievous propaganda which was carried on in the local areas with a view to prevent the tenants from paying their rents. But I do not know, Sir, whether any such mischievous propaganda is in fact being carried on anywhere; at least, I must say with emphasis and confidence that Rangpur is immune from such propaganda, and I am glad that neither the Hon'ble Member nor his Secretary has mentioned the name of Rangpur in connection with any mischievous propaganda that was carried on elsewhere asking the tenants to withhold their rents.

Mr. DEPUTY PRESIDENT: Kazi Sahib, I would again request you to restrict yourself to the motion under discussion.

Kazi EMDADUL HOQUE: The thing is that Sir, there is every likelihood of the landlords and *tahsildars* abusing their power. We have been in the locality, and we have examined many of the tenants and heard from them that in numerous cases the tenants were put in the lock-ups.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, the question we are discussing now is the undesirability of a too free investment of landlords with certificate powers. How can the question of *tahsildars* realising rent come up in this connection?

Kazi EMDADUL HOQUE: The question comes up in this way. *Tahsildars* are appointed by you in order to make this collection; and as regards *khas mahal* Government appoint them for the purpose of collecting of rent. Actually, it is the *tahsildars* who have to collect this money and they perpetrate all sorts of *zoolum* and also realise *abwabs* or illegal gain. Not only that, Sir. These *tahsildars* are in the habit of sending for the tenants and putting them in their lock-ups and keeping them in fear of punishment. To be more particular, Government have indeed certain *tahsildars* for the purpose of collecting money in Rangpur. They perpetrated all sorts of *zoolum*: they realised *abwabs* not only by sending tenants to *hajat* or lock-up, but by beating them, and for fear of punishment they had to pay and the

payment was by no means voluntary as the Hon'ble Member has visualised. I say again and again that in realising the dues all sorts of *zoolum* are resorted to, and in this way a huge sum is collected. If any money has been realised it has been realised by sheer tyranny and that with the connivance of the Government officials. With these words I support the motion.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, the motion has been supported on two grounds. The first is that some unnamed *zemindar* in some unnamed district has abused the certificate powers. Now, Sir, how is it possible for any one to deal with a charge like this? Which *zemindar*, in which district, when has such abuse of power by the *zemindar* been brought to the notice of Government? Has Government refused to take action? No such allegation has been made. If the alleged abuses were brought to the notice of the Government and Government did not think fit to take any action, then it might have been necessary to bring a cut motion for censuring the Government. Under section 158A there is the provision in the law that when an application is made, terms and conditions are laid down by Government. Such terms and conditions may be added to or varied by the Local Government from time to time as may be necessary. Were any facts brought to the notice of Government by any hon'ble member rendering it necessary to vary the terms and conditions? No. So far as I am aware, no such case was ever brought to the notice of Government, and now under the shelter of a cut motion a vague general charge is made. Well, there may be *zemindars* who abuse their powers. But, the nature of the charge does not call for any detailed reply.

The next point taken was that there are certain certificate officers who cannot always appreciate the nature of the defence and it was said that a set-off was not allowed or the Certificate Officer who is a Revenue Officer does not understand legal defences. Now, Sir, if that be so, that is an inherent defect of the certificate procedure itself. (A VOICE: "But why are the *zemindars* expected to purchase?")

Well, Sir, it is said that some Certificate Officers who are Revenue Officers do not understand the technicalities and subtleties of legal defence. My answer is, if that be so, then the whole law is bad, not that it is an objectionable thing that a *zemindar* should be invested with powers of certificates. I can well understand the argument that by the grant of certificate powers to *zemindars* there has been oppression and hardship, and therefore certificate procedure should not be extended to the *zemindars*. I can understand that position; but that is not the case on the motion. If Certificate Officers are incompetent to do their work, they will do it badly even if *zemindars* are not given the privilege.

There is nothing in that point. Then, the hon'ble member who spoke last said, in his enthusiasm, that hundreds of people are dying of starvation and therefore this is not the time for issuing certificates. How many hundreds are dying of starvation and in which district? Was this fact ever brought to the notice of Government that hundreds of people are dying of starvation in a particular district? We know, Sir, that the right of interpellation is lavishly resorted to in this House. Was any question ever put to any department of Government that hundreds of people are dying of starvation in a particular place, and what steps Government is taking to save their lives? We have been sitting here for some days, but no such question was ever asked; and now in a fit of enthusiasm he comes out with the statement, irresponsible statement, that hundreds of people are dying of starvation. That in itself shows the desperate nature of his case. Then, he said that Government *tahsildars* perpetrate all manner of *zoolum*. Now, Sir, even as regards that, in which district did the Government *tahsildar* do such a thing? In respect of which *tauzi* did the Government *tahsildar* perpetrate *zoolum* on tenants in executing certificate procedure? Have any details been given? Sir, how is it possible for me to answer these reckless charges, possibly made without the slightest foundation and born of the heated imagination of the speaker? I oppose this motion.

Maulvi Abdul Hakim's motion being then put a division was taken with the following result:—

AYES.

Ahmed, Khan Bahadur Maulvi Emadeddin.
Banerji, Mr. P.
Barma, Babu Premhari.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chowdhury, Maulvi Abdul Ghani.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Hussain, Maulvi Muhammad.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Hashem Ali.
Khan, Maulvi Tamizuddin.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Samad, Maulvi Abdus.

NOES.

Arthur, Mr. G. C.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Benjamin, Mr. H. D.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Asutosh Kumar.
Chaudhuri, Khan Bahadur Maulvi Nafiur Rahman.
Cohen, Mr. D. J.
Cooper, Mr. H. G.
Das, Babu Gurugrasad.
Dutt, Mr. G. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Lesson, Mr. G. W.
Lockhart, Mr. A. R. F.
Martin, Mr. G. M.
Miller, Mr. S. G.
Miller, the Hon'ble Sir Brojendra Lal.

Mitter, Raja Sarat Chandra.
Mukherji, Rai Bahadur Satya Chandra.
Mu[illegible] Rai Sahib Sarat Chandra.
Mullick, Mr. Mukhuta Behary.
Nag, Reverend B. A.
Nag, Babu Suk Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Poddar, Mr. Ananda Mohan.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. R.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Steven, Mr. J. W. R.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deB.
Woodhead, the Hon'ble Sir John.

The Ayes being 16 and Noes 49, the motion was lost.

(The time-limit for the Demand was reached at this stage.)

The Hon'ble Sir Brojendra Lal Mitter's original motion that a sum of Rs. 35,12,000 be granted for expenditure under the head "5—Land Revenue," was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 14th March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 14th March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 97 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Proposal for an Agricultural Institute at Dacca.

*60. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware of the necessity of establishing a first class Agricultural College and Dairy Institute in the Manipur Agricultural Farm without delay?

(*b*) If the answer to (*a*) is in the affirmative, what steps are being taken in the matter?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur): (*a*) and (*b*) Proposals for the establishment of an Agricultural Institute at Dacca have been under consideration for a long time, and land was acquired for the purpose some years ago. Government have not, however, been able to proceed with the project. A scheme for the establishment of a Dairy Section at the Dacca Farm with modern machinery and equipment for dairying as well as for experimental purposes was administratively approved in 1929. In each case financial stringency has prevented the scheme from materialising.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state what is the amount required for proceeding with the project?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Nine lakhs non-recurring, and Rs. 1,20,000 recurring expenditure.

Manufacture of dairy bye-products.

*61. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(i) that tea chest industry requires large quantities of casein glue; and

(*ii*) that casein glue and sugar of milk are dairy bye-products?

(*b*) What steps, if any, are the Government taking to give an incentive to learn the manufacture of dairy bye-products in Bengal?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: (*a*) (*i*) and (*ii*) Yes.

(*b*) No step has so far been taken in the matter.

Lead poisoning preventive measures.

*62. **Maulvi LATAFAT HOSSAIN:** With reference to the reply to clause (*c*) of starred question No. 152 put by Dr. Naresh Chandra Sen Gupta on the 23rd March, 1934, that absence of preventive measures increases the risk of lead poisoning, will the Hon'ble Member in charge of the Finance Department be pleased to state the measures that are regarded to be preventive?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): The following are considered the main preventive measures:—

(*a*) periodical medical examination;

(*b*) removal of dust or fume;

(*c*) protective clothing;

(*d*) the provision of suitable washing facilities including soap and nail brushes; and

(*e*) protection of food, drink and tobacco from contact with dust or fume.

Lead poisoning cases in private presses.

*63. **Maulvi LATAFAT HOSSAIN:** (*a*) With reference to the reply to clause (*b*) of starred question No. 152 put by Dr. Naresh Chandra Sen Gupta on the 23rd March, 1934, will the Hon'ble Member in charge of the Commerce Department be pleased to state whether it is a fact that in spite of preventive measures being taken in the Bengal Government Press, lead-poisoning cases occurred in the said Press?

(*b*) Is the Hon'ble Member aware—

(*i*) that the conditions of the private presses are not so good as in the Government Presses; and

(*ii*) that no preventive measures are being taken in the private presses to minimise the risk of lead-poisoning?

(*c*) Will the Hon'ble Member be pleased to state whether the following private presses have been inspected by the Factory Inspection Department during the last year:—

(1) the Karim Bux Bros. Press,

(2) the Lal Chand & Sons,

(3) the Baptist Mission Press,

(4) the Government of India Press,

(5) the Edinburgh Press,

(6) the Dracon Printing Press,

(7) the Kuntalin Printing Press,

(8) the Calcutta Phototype Press,

(9) the Calcutta Arts Studio,

(10) the Mercantile Printing Works,

(11) the Aryan Printing Press,

(12) the Modern Art Press,

(13) the Punjab Fine Art Press,

(14) the Rally Bros' Printing Press, and

(15) the S. C. Dutt & Co.'s Dalhousie Printing Press?

(*d*) If the answer to (*c*) is in the affirmative, when were they inspected and with what result?

(e) Will the Hon'ble Member be pleased to state the symptoms that are enquired into by the Factory Inspection Department in detecting the lead-poisoning cases?

(f) Is it not a fact that a regular medical examination is carried out at present in the Bengal Government Press?

(g) If so, do the Government intend introducing the same system with regard to the private presses? If not, why not?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (a) No case of lead-poisoning has occurred in the Bengal Government Press since the four cases reported in my reply to starred question No. 152 put by Dr. N. C. Sen Gupta on 23rd March, 1934.

(b) (i) Measures are in force in the Bengal Government Press which were not required by the Indian Factories Act, 1911, or the Rules thereunder.

(ii) Under the Indian Factories Act, 1911, the preventive measures prescribed in Part II of the Schedule were applicable only in the case of women and persons under eighteen. The position is the same under the Hazardous Occupations (Lead) Rules, 1935, framed under the Factories Act, 1934. The draft Bengal Factories Rules, 1935, recently published for criticism, prescribe certain preventive measures for all workers whose work involves contact with lead.

(c) and (d) A statement is laid on the table showing the dates on which each press was inspected. No scheduled worker was employed in any of these presses during 1934 and in consequence there was no occasion to enquire whether the special preventive measures prescribed in Part II of the Schedule were being duly observed.

(e) The main symptoms are set out in Form L, the form of Register of Medical Inspection of Schedule Workers of the Bengal Factories Rules, 1928.

(f) Yes.

(g) Under the Factories Act, 1934, the power to make rules applicable to any factory in which hazardous operations are carried on is vested in the Governor-General in Council.

Statement of inspections made by the Factories Department referred to in clauses (c) and (d) of the answer to starred question No. 63.

(1) Karim Bux Bros. Press (Anthony Bagan)—10th March and 16th May.

(2) Karim Bux Bros. Press (Entally)—1st and 2nd February, 16th August and 6th October.

(3) Lal Chand & Sons—3rd October.

(4) Baptist Mission Press—26th October.

(5) Government of India Press (Temple Street)—9th July.

(6) Government of India Press (Hastings Street)—1st October.

(7) Edinburgh Press—28th November.

(8) Dracon Printing Press—5th February, 17th April, 8th June, 27th July (two visits), 8th August and 2nd October.

(9) Kuntaline Printing Press—24th May and 28th August.

(10) Calcutta Phototype Press—21st May.

(11) Calcutta Arts Studio—22nd March, 30th May, and 23rd August.

(12) Mercantile Printing Works—17th April, 8th June and 27th July.

(13) Aryan Printing Press—17th April, 8th June, 27th July and 2nd October.

(14) Modern Art Press—23rd August.

(15) Punjab Fine Art Press—30th May.

(16) Ralli Bros. Press—25th May, 29th June and 31st October.

(17) S. C. Dutt & Co.'s Dalhousie Printing Press—12th April, 8th June, 27th July and 2nd October.

Late Babu Jyotirindra Nath Nandi, Deputy Superintendent of Police, Mymensingh.

*64. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state the circumstances under which late Jyotirindra Nath Nandi, Deputy Superintendent of Police at Mymensingh, was granted leave on average pay from the 1st March, 1934?

(*b*) Is it a fact that the said officer applied for such leave on or about the 3rd January, 1934, and that such leave was recommended by Major Thomas, I.M.S., then Civil Surgeon at Mymensingh, on the ground that rest and change of climate were necessary as he was suffering from debility following hepatitis but orders granting leave did not reach him until 27th February, 1934?

(*c*) Is it a fact that leave on average pay when such leave is due to an officer does not require examination by the Medical Board under the Rules?

(*d*) Is it a fact that leave on average pay was due to the said officer late Jyotirindranath Nandi when he applied for such leave?

(*e*) If the answer to (*d*) is in the affirmative, will the Government be pleased to state why the said officer was asked to appear before the Medical Board and who is responsible for this?

(*f*) Will the Hon'ble Member be pleased to lay on the table a copy of the report of the Medical Board and the statement of the case of illness by the Civil Surgeon of Mymensingh with which the said officer was asked to appear before the Medical Board?

(*g*) Had the said officer had to go to the interior on such duty on the 17th December, 1933, and returned to the headquarters on the 21st December, 1933, being laid up with high fever which continued for 7 days and that he was ill for 2 weeks and whether he was at that time under the treatment of the Sub-Assistant Surgeon of the Police Hospital and latterly Major Thomas, Civil Surgeon?

(*h*) Had the said officer again an attack of Pharyngitis with cough and fever on or about the 4th January, 1933, which again continued for about a week?

(*i*) Will the Hon'ble Member be pleased to state whether it is a fact that the officer never resumed his duties after the leave granted to him from the 1st March, 1934, and that he died on the 26th March, 1934, shortly after he was relieved on leave on the 2nd March, 1934?

(*j*) Is it a fact that the said officer was an able and experienced officer having joined Government service as a Sub-Deputy Collector in 1919 and being appointed Deputy Superintendent of Police in 1921?

(*k*) Will the Hon'ble Member be pleased to institute a thorough and searching inquiry into the whole matter and ascertain—

(*i*) whether the delay that took place, viz., of about 2 months in granting leave to the said officer could have been avoided; and

(*ii*) whether the said delay and appearance before Medical Board may have caused injury to him in his weak state of health and hastened his death?

(*l*) Will the Hon'ble Member be pleased to state—

(*i*) what remedial measures Government propose to take in the matter; and

(*ii*) what steps Government propose to prevent a recurrence of such things in the future?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) and (*b*) The late Babu Jyotirindra Nath Nandi, Deputy Superintendent of Police, Mymensingh, submitted an application on 2nd January, 1934, for leave for 3 months from 15th January, 1934, or *from the date on which he might be relieved.* The application reached the office of the Inspector-General of Police on 15th January, 1934.

The Superintendent of Police recommended the leave on *medical grounds*. The late Deputy Superintendent of Police was asked on 22nd January, 1934, to appear before the Medical Board at Calcutta which he did on 5th February, 1934. In the statement of the case which the Civil Surgeon furnished to the Board, he stated that the applicant was in need of leave, his health being in a bad state owing to debility following hepatitis. The Medical Board recommended the grant of 3 months' leave to the officer. The leave application was then sent to the Accountant-General, Bengal, and on receipt of his report it was submitted to Government with a recommendation that it should be granted. At the same time the Superintendent of Police, Mymensingh, was asked to allow the Deputy Superintendent of Police to proceed on leave in anticipation of formal sanction. The application was received by Government on 24th February, 1934, and formal orders granting the leave applied for were issued on 28th February, 1934. It appears that the officer instead of proceeding on leave at once, waited till 2nd March, 1934, to receive his pay for February, 1934.

(*c*) Under the rules it is open to the administrative authority concerned to decide, when an application on medical grounds has been made to him, whether the applicant should go before a Medical Board.

(*d*) Yes.

(*e*) This was done in accordance with Subsidiary Rule 222.

(*f*) A copy of the report of the Medical Board and the statement of the case of the late Deputy Superintendent of Police are laid on the table.

(*g*) This officer was on tour in the interior from the 17th December, 1933, till the 21st idem, and it appears from his tour diary that he was attacked with high fever on returning to Mymensingh and suffered from fever and jaundice during the X'mas holidays. The Sub-Assistant Surgeon states that he attended the Deputy Superintendent of Police on one occasion only, on being called in. Later, he advised the Deputy Superintendent of Police to consult the Civil Surgeon which he did.

(*h*) Government have no information on this point.

(*i*) The officer died on 26th March, 1934, while on leave.

(*j*) He was not considered fit to pass the 1st efficiency bar.

(*k*) (*i*) and (*ii*) Government are unable to see any necessity for such an inquiry. If the case had been shown to be urgent the rules provide a procedure for the immediate grant of leave. But no such urgency was represented in the application for leave.

(*l*) (*i*) and (*ii*) None are necessary as the existing rules make ample provision for urgent cases.

Statement referred to in the reply to starred question No. 64 (f).

MEDICAL CERTIFICATE UNDER ARTICLE 829, CIVIL SERVICE REGULATIONS.

We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of Jyotirindra Nath Nandi to be such as to render leave of absence for a period of three months absolutely necessary for his recovery (in extension of the leave already granted him).

D. P. GOIL, COL., I.M.S.,
Surgeon-General with the Government of Bengal,
President, Civil Medical Board at the Presidency.

J. D. SANDES, LT.-COL., I.M.S.
Illegible, LT.-COL., I.M.S. } *Members.*

Place—Calcutta,
Date—5th February, 1934.

Statement referred to in the reply to starred question No. 64 (f).

STATEMENT OF THE CASE OF

Name—Jyotirindranath Nandi.

Appointment—Deputy Superintendent of Police.

Age—39 years.

Total service—14 years 10 months.

Service in India—14 years 10 months.

Previous periods of leave of absence on medical certificate—Nil.

Habits—Regular.

Disease—Debility following Hepatitis.

I, T. H. Thomas, Major, I.M.S., Civil Surgeon of Mymensingh, after careful personal examination of the case, hereby certify that Mr. Jyotirindra Nath Nandi is in bad state of health and I solemnly and sincerely declare that according to the best of my judgment, a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted three months' leave.

Babu KISHORI MOHAN CHAUDHURI: Does the Hon'ble Member think that the administrative officer concerned exercised reasonable discretion in detaining the officer for a month when the Civil Surgeon recommended the leave on the 25th January, and expressed his opinion that a period of absence from duty is essentially necessary for the recovery of his health and recommended that he may be granted three months' leave?

The Hon'ble Mr. R. N. REID: Yes, but the Civil Surgeon never wanted that he should have leave all at once.

Babu KISHORI MOHAN CHAUDHURI: When there was the recommendation of the Civil Surgeon and when he expressly applied for leave from the 15th January, was it necessary that he should have stated that he was unable to work any more and required the leave immediately?

The Hon'ble Mr. R. N. REID: The officer applied for leave from 15th January or from the date on which he might be relieved. That is the point.

Babu KISHORI MOHAN CHAUDHURI: He stated distinctly that he required leave for three months to recoup his health——

Mr. PRESIDENT: Are you repeating the same question?

Babu KISHORI MOHAN CHAUDHURI: No, Sir.

Mr. PRESIDENT: What is your question, please?

Babu KISHORI MOHAN CHAUDHURI: My question is, when he distinctly stated that the leave was necessary, and the leave was recommended by the Civil Surgeon, why was he detained for a month?

Mr. PRESIDENT: That question has already been answered by the Hon'ble Member.

The Hon'ble Mr. R. N. REID: I should like to explain the case outside the Council Chamber if that would be satisfactory to Kishori Babu.

Babu KISHORI MOHAN CHAUDHURI: That will satisfy me.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Ishurdi-Pabna Road.

31. Dr. JOGENDRA CHANDRA CHAUDHURI: (*a*) With reference to the construction of the Ishurdi-Pabna Road will the

Hon'ble Minister in charge of the Public Works Department be pleased to state—

(i) whether it is a fact that trenches for the foundation of pipe culverts were cut in February last, i.e., long before the commencement of the work, without collecting necessary materials and that the work was completed in June last; and

(ii) whether a public representation was submitted to the Government about this matter? If so, with what result?

(b) Is it a fact that old bridges on this road have not been fully renewed but are simply being patched up? If so, why?

(c) Is it a fact that jungles, etc., only on one side of this road have been cleared and jungly trees on the other side have been left intact? If so, why?

(d) How much has been spent on the clearing of the jungles up to date?

(e) What will be the road way of the bridge over the river Ichamati at Pabna and the amount estimated as the cost of this bridge?

(f) What is the amount spent up to date as travelling allowances for the supervision of this road for—

(1) the Superintending Engineer, Northern Circle,

(2) the Executive Engineer, Rajshahi Division, and

(3) the Subdivisional Officers of the Public Works Department, Pabna?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Nawab K. C. M. Faroqui, Khan Bahadur): (a) (i) No.

(ii) Not on the matter referred to by the Hon'ble Member.

(b) Three of the bridges will be remodelled utilising their existing abutments or piers which are strong enough to carry the specified load of 12 B. S. Units.

(c) Trees were cleared on one side according to the sanctioned estimate to allow for widening the road, and were left on the other side to give shade.

(d) Rs. 2,664-3.

(e) Minimum 18 feet.

The detailed estimate has not yet been prepared. A provision of Rs. 41,000 in lump has been made in the sanctioned estimate.

(f) (1) Superintending Engineer—Rs. 945.

(2) Executive Engineer—Rs. 1,012.

(3) Subdivisional Officer, Pabna Subdivision—Rs. 1,279.

Recommendation of the Royal Commission on the Inland Steam Navigation.

32. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Has the attention of the Hon'ble Member in charge of the Marine Department been drawn to the reports of the Royal Commission under the head "Inland Steam Navigation" appearing at pages Nos. 182 and 183 of the report in which the following recommendation was made:—

> "In India according to the statement furnished to us by the River Steam Navigation Company, Ltd., the men work on an average 7 hours a day and 49 hours a week. We regret that the evidence which we have obtained is insufficient to justify our reaching any definite conclusions regarding the conditions of employment in this industry which require a more detailed investigation than we were able to give. We recommend that such an investigation should now be undertaken by the Governments of Bengal and Burma. Among the questions to which attention should be directed are the working of the present system of recruitment and discharge, the possibility of direct employment and direct payment in the case of lower ratings, wages, hours, conditions on board and the arrangements made by the steamer companies for members of the crew who have been put ashore owing to sickness while away from the place of engagement?"

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether any action has been taken to give effect to the said recommendation?

(*c*) If no effect has yet been given to the recommendation will the Hon'ble Member be pleased to state the reasons for such unusual delay in giving effect to the recommendations?

(*d*) Do the Government now propose to give effect to the recommendation? If so, how and when?

(*e*) Is the Hon'ble Member aware of a feeling that exists among the employees of the R. S. N. & I. G. N. and Railway Co., Ltd., over the condition of their employment in the industry?

(*f*) If the answer to (*e*) is in the affirmative, what action, if any, do the Government propose to take to ameliorate the condition of the steamer employees?

(*g*) Will the Hon'ble Member be pleased to state whether the steamer companies are competent not to give effect to the recommendations made by the Royal Commission? If so, under what circumstances?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) Yes.

(*b*), (*c*), (*d*) and (*g*) The recommendation of the Royal Commission was duly considered and it was decided that no change in the existing system of recruitment, discharge or payment is at present feasible or necessary. The conclusion was also reached that the conditions of service, wages, hours of work and other arrangements for the crews of inland vessels are not unsatisfactory.

(*e*) I am not aware of any general feeling of dissatisfaction amongst the employees of the R. S. N. and I. G. N. and Railway Co., Ltd.

(*f*) Does not arise.

Wages of crews in the Joint Steamer Company's services.

33. Maulvi MUHAMMAD FAZLULLAH: (*a*) Is the Hon'ble Member in charge of the Marine Department aware of the very unsatisfactory wage conditions of the crews employed in the Joint Steamer Company's services?

(*b*) Is it not a fact that the wages of the crews are Rs. 20 per month but in practice their wages vary from Rs. 2 to Rs. 8 per month?

The Hon'ble Sir JOHN WOODHEAD: (*a*) and (*b*) No.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMANDS FOR GRANT.

Mr. NARENDRA KUMAR BASU: Sir, before the discussion on the next demand for grant begins, may I, with your leave, ask for certain information from the Finance Member with reference to the paper that was circulated yesterday, namely, certain corrections in the Bengal Financial Statement. What I want to know is that while it has been shown that the receipts from revenue account has been raised by Rs. 38,97,000, under the details given, I find "minus one lakh" under "IX—Registration"; that is to say, the receipts from "registration" are now expected to be one lakh less than the Budget; but I find that only last week, a supplementary grant for Rs. 53,500 was asked for under the head "Registration". In the memorandum circulated in that connection, it was stated that the Budget provisions have proved inadequate due partly to a large increase in the number of documents presented for registration, including Bengal Tenancy Act operations, necessitating entertainment of larger establishment and increased contingent expenditure. What I want to know is that how has it happened that while the income has fallen by a lakh of rupees in spite of the increase in the number registered, the expenditure has increased by Rs. 53,500. This seems to be anomalous.

The Hon'ble Sir JOHN WOODHEAD: Sir, the Department of Registration is not my concern; and I suggest that the Hon'ble Minister in charge of Irrigation, who dealt with this case, may explain the position.

Mr. NARENDRA KUMAR BASU: May I, with your leave, ask the Hon'ble Minister in charge of Registration to explain the position?

Mr. PRESIDENT: Is it necessary to explain it now?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I shall explain the matter when the "Registration" Budget comes up.

6—Excise.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 17,73,000 be granted for expenditure under the head "6—Excise."

Sir, as will be observed, the demand is higher by Rs. 1,55,000 over the revised estimates of 1934-35. The explanation is available on page 31 of the Red Book. The increase is mainly due to reasons which are beyond the control of Government, namely, withdrawal of emergency cut in pay, which is responsible for an increase by about Rs. 57,000; strengthening of the Detective Department, Rs. 14,000; increased provision for the cost of purchase of opium due to raising by the Government of India of the cost price from Rs. 18-5 to Rs. 20-3, and so on, and so forth. Sir, I explained to the House last year that we did endeavour to accept the recommendations of the Retrenchment Committee as far as practicable, and, in fact, the ultimate saving that would result from the acceptance of the recommendations of the Retrenchment Committee would be more than Rs. 1,96,000, the amount recommended by the Retrenchment Committee. The improvement in revenue that is observed in the Budget is mainly due to the check on illicit distillation and smuggling, but slightly also to the improvement in the economic situation. There is a demand for Rs. 14,000 for the Central Detective Department which has been formed in Calcutta mainly with the object of controlling smuggling and illicit distillation. Rupees 4,000 for the motor launch Sylvia, is also for the same purpose. Sir, it is well known to the members of this House that the French possession of Chandernagore is a very suitable place for smuggling where the smugglers take shelter, and to pursue them effectively, it is necessary that the Detective Department should possess a motor launch. With this object in view this launch has been transferred from another department to this department. This accounts for an increase of Rs. 4,000.

Sir, there is a total increase in revenue of Rs. 3¾ lakhs under the heads, "Country spirit" and "Foreign liquor prepared in India." This

increase has been partly counteracted by a fall in the revenues from opium, hemp and other drugs. That has been due to economic causes. The reduced prices of excisable articles varies from 14 to 27 per cent., the average being 17 per cent., resulting in an increase of consumption of country spirit and Indian foreign liquor. The consumption of country spirit has increased by 44 per cent. in Calcutta and its suburbs, and by 14 in the rural areas. The total revenue of Government has increased by about 5 per cent. in place of a loss of 16 per cent. that we were experiencing last year. The improvement is mainly due to the reduction in prices and also, as I said before, to the better arrangement for checking smuggling and illicit distillation. The price of liquor has been kept high to discourage the drinking habit of the people as far as practicable. Government policy is to keep the drinking habit of those who are already addicted to it within the reasonable limit, and to discourage altogether those who are not addicted to it. This policy is being followed. The increase in the consumption of Indian-made rum and beer is also due to a large extent, to the presence of troops in Bengal. Sir, last year, I mentioned to this House that Government desired to give up the fixed-fee system and to launch an experiment on highest bidding system. The result was very interesting. In some places, the increase in licence fees amounted to 232 per cent., whereas the loss in duty due to a reduction in price was only about 14 per cent. The total increase in country spirit was 18·4 per cent., whereas in the non-experimental areas the revenues fell by 15 per cent. Excessive bidding by monied outsiders and the attempt on the part of the old licensees to retain their means of livelihood led to very exorbitant biddings, and this resulted in reducing most of the shops to uneconomic investments. The danger was that in most cases there was illicit practices, malpractices by the licensees to make up the loss and also there was the danger of these bidders combining in future to keep away *bona fide* bidders. Sir, taking into consideration all these facts, Government decided to stick to the fixed-fee system, because it means satisfactory management of the shops and a stable Government revenue. So, as a result of the experiment, Government have decided to come back to the fixed-fee system instead of the auction system.

Sir, the Licensing Boards both in Calcutta and in the mufassal have worked quite satisfactorily. In the mufassal and in Calcutta, the Licensing Boards regulated the site, the location, the number of shops and the hours of sale. Sir, there is one danger which has just been brought to the notice of Government, namely, that portable spirit or denatured spirit is being illicitly manufactured, and they are being sold as foreign liquor. It is not only injurious to the health of habituals, but is also dangerous from the point of view of Government revenue. It is understood that this practice is not confined to Bengal alone, but the department have already taken adequate steps to cope with the menace.

Sir, there is another point to which I would like to draw the attention of the House in this connection, namely, the position of Excise as a provincial subject in the new constitution. It will be found that the position of Excise will be practically the same as in the present constitution, namely, it will be a provincial subject; but in case of difference of opinion or dispute between different provinces or between the centre and the provinces, the matter would be referred to an interprovincial council which has been provided for in the Government of India Bill. But I venture to submit that this will not solve the difficulty which we are already experiencing even in the present constitution, in spite of the control which the Government of India are supposed to maintain over the provinces in connection with Excise. Sir, there are provinces which are levying taxes or taking away taxes without any reference to the sister provinces, and it has resulted in some cases in loss of Bengal's revenues. I am afraid, in the new constitution, the tendency of following individual policies by the provinces would be furthermore accentuated, and it might lead to further complications which might ultimately endanger the provincial revenue from Excise.

With these few words, Sir, I move the demand.

MOTIONS FOR REDUCTIONS OR REFUSAL.

Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that the demand of Rs. 56,000 under the head "6A—Excise—Superintendents—Pay of officers—Other gazetted officers" be reduced by Rs. 100.

Sir, my reason for tabling a motion of this nature is, as I have indicated, to draw the attention of the Government to the desirability of making the appointment of the Commissioner of Excise from amongst the members of the Provincial Services. I must not be understood to cast any aspersions upon any member of any other service, much less upon the Indian Civil Service, but what I do say is that when it has been established as a policy that the natives of the soil are to be appointed to the higher administrative posts, it follows as a matter of course that wherever possible and feasible, members of the provincial services who have proved their efficiency and ability should be given a chance of controlling their own departments.

Experience shows that in this country, members of the superior civil services are considered fit for any appointment—magistracy, judicial, revenue and secretariat—and they are posted to every department in the province excepting that of Education. Now, Sir, we all know that before the Reforms of 1921, the post of Commissioner of Excise used to be held by a member of the Indian Civil Service. It was the first Minister in charge of the Department of Excise in Bengal—I refer to the late Hon'ble Nawab Nawab Ali Chaudhuri—who undertook a considerable risk in choosing a member of the Bengal Civil Service to fill this post of Commissioner. I say, he undertook considerable

risk because of the opposition he had to face from the Reserved side of the Government. The officer who was chosen acted for some time and was then confirmed. I hope it will not be denied that his confirmation after acting for some time shows that his efficiency and ability were proved and recognised. With the retirement of that officer as Commissioner of Excise, a member of the Excise Service, then a Deputy Commissioner, was appointed to act as Commissioner of Excise, and another Deputy Commissioner also acted for some time in the absence of his colleague. I do not know if they proved inefficient or incompetent when placed at the head of the Department of Excise. Now, Sir, you know that no one is appointed as Deputy Commissioner of Excise—or even as Collector of Excise—all at once. He is appointed as Superintendent of Excise in the first instance, and in course of time and on approved service, as an efficient officer, he is promoted to a higher rank. If it is maintained that though an officer who has given proof of his efficiency in that he has been promoted to the rank of a Deputy Commissioner, does not enjoy any further confidence of the Government to be placed in still higher positions, I respectfully beg to differ from that view. If any particular officer is found inefficient at that stage, what justification had the Government while they promoted him from the rank of Superintendent of Excise? Again, if one particular officer is found inefficient, put him back by all means; but how is the whole department responsible for it? Has not this been done in the Co-operative Department where only a few years ago, one officer was found guilty, his conduct was enquired into and he was removed from the post, but another officer was substituted in his place.

Sir, for this post of Commissioner of Excise and for those of the Inspector-General of Registration and the Registrar of Co-operative Societies experienced and efficient members of the Bengal Civil Service were given some chance. I do not know why that principle should be departed from. If it is once maintained that the members of the superior civil services are the only able and efficient administrators then it follows as a necessary corollary that there is no justification for the introduction of the Reforms, and it follows as a matter of course that officers of the Indian Civil Service who have been tried in various branches of the administration and who have given unmistakable proof of their efficiency as administrators by having been in the service for over a quarter of a century are in a much better position to claim to be in charge of the whole administration of the province without any of the subject being transferred for being placed in charge of the Ministers.

Without meaning any disrespect for any particular officer and without casting any reflection whatsoever, I venture to hold that the policy of going backward is bad enough as it creates a very bad precedent; and I doubt not that the Government will soon find their way to give a greater recognition to the Provincial Services by placing their tried

and efficient officers as the heads of as many departments as possible, especially as the head of the Department of Excise, namely, the Commissioner of Excise, which is now in point.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. S. M. BOSE: Sir, I wish to oppose the motion. I think, first of all, the Excise Department is a very small department with very few officers. I think it is essential that the control of the department should be vested in a man entirely from outside. Further, the man at the top has to deal with very important matters, such as Excise, Salt, Match, and now Tobacco. I think it is also essential that a man of weight should be at the top; and it is well known that in the small narrow circle of the Excise Department, there is friction and jealousy. It is essential for the efficient working of that department that a person unconnected with it, preferably a man from the Indian Civil Service, should be the Commissioner. For these reasons, Sir, I am entirely opposed to the motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this motion and I do it on the following grounds.

The Hon'ble mover seems to think that the Indian Civil Service is identical with foreigners, because he said that when Government have decided to follow the policy that the children of the soil should be trusted with the work of managing their own affairs, why should a member of the Superior Civil Service be appointed, instead of a member of the Bengal Civil Service, or of the Bengal Excise Service. I might remind the hon'ble member that the children of the soil and the members of the Superior Civil Service are by no means identical. In fact, the present holder of the office—our Excise Commissioner—is as much a child of the soil as any member of the Bengal Civil Service or of the Bengal Excise Service, though he is a member of the Superior Civil Service. So that argument is absolutely untenable.

Sir, when it was decided to appoint a member of the Bengal Excise Service to the post of Excise Commissioner, it was never decided that members of the Indian Civil Service or members of the Bengal Civil Service would not be appointed to this post, though the appointment was taken out of the cadre of the Indian Civil Service; but it was reserved to Government to decide, in the exigencies of public service, to appoint a member of the Bengal Excise Service, a member of the Bengal Civil Service, or a member of the Indian Civil Service. In the present case Government did try to experiment with a member of the Bengal Excise Service, and, in their opinion, the exigencies of public service demanded that a member of the Superior Civil Service should be appointed to the post;

but that does not rule out the possibility of Government appointing a member of the Bengal Excise Service or of the Bengal Civil Service, if they find it necessary or desirable. That is the reason, Sir, why a member of the Superior Civil Service has been appointed, and that is the policy which Government follow in this matter and propose to stick to it.

Mr. Mukunda Behary Mullick's motion was then put and lost.

Mr. S. M. BOSE: Sir, I beg to move that the demand of Rs. 1,81,000 under the head "6A—Excise— Superintendence" be reduced by Rs. 100 (formation of Central Detective Department).

Sir, in doing so, I would like to know the reason for the excess expenditure under this head. Sir, in the actuals of expenditure under this head of "Superintendence" I find that in 1931-32 it was Rs. 112 lakhs; in 1932-33 Rs. 113 lakhs; in 1933-34 Rs. 112 lakhs; the estimate for 1934-35 was Rs. 161 lakhs, and the revised estimate is Rs. 184 lakhs; but the Budget for next year under this head is for Rs. 215 lakhs, *i.e.*, about Rs. 31,000 in excess of the revised estimate for 1934-35. I would like to know the reason for this. At page 30 of the Red Book I find this note, viz., that "the increase under 'Superintendence' is due to the formation of a Central Detective Department to check the growth of illicit distillation, mostly by the transfer of officers, etc."

If this Central Bureau has been established by the transfer of officers, I do not see any reason why there should be an increase in expenditure. I should like the Hon'ble Minister to tell us whether this extra expenditure has been justified by experience. Is he really satisfied that this extra money is well spent? I would also ask him to inform us what staff has been taken for this purpose. If he can assure us that this extra expenditure is well borne out by the results achieved, I shall be only too glad to withdraw this motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I can assure the hon'ble member that this increased expenditure is fully justified by the results. Government did decide last year to start a Central Detective Bureau to check illicit distillation in Calcutta and the suburbs, and this has produced a very desirable effect in checking illicit distillation and also in increasing the revenues of Government.

Sir, my friend has referred to the additional expenditure of Rs. 31,000—I think I heard him rightly. (Mr. S. M. Bose: Yes, it is so.) Out of this, Rs. 14,000 has been earmarked for the Central Detective Department and Rs. 4,000 for the steam launch *Sylvia*. It is not possible off-hand to furnish the other minor details, which have been provided for in the Budget, and to show how the balance of

Rs. 13,000 is made up. But I shall presently show him from the figures which I have got with me that the creation of the Central Detective Department has proved very successful. In 1934-35 the department detected and seized 204 gallons of wash. Next year they detected and seized 357 gallons. In the case of *tari* it was 202 last year; this year it was 177. When we turn to drugs, the department detected 41 cases last year, and 89 this year. It has really been most successful in checking illicit distillation, and, as I have mentioned in my preliminary observations, the increase of Rs. 3½ lakhs of Government revenue is mainly due to three causes, viz., better detection, slight improvement in the economic situation, and the increase due to the auction system, which was experimented on but ultimately dropped as undesirable and uneconomic in the long run. I might assure the House that Government are fully satisfied that this expenditure will ultimately produce better results.

Mr. S. M. BOSE: Sir, having regard to the explanation of the Hon'ble Minister I beg leave to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Rai Bahadur SATYA KINKAR SAHANA: Sir, I beg to move that the demand of Rs. 1,81,000 under the head "6A—Superintendence" be reduced by Rs. 100 (inadequate and inefficient superintendence).

Sir, I propose this cut not to censure the Government. My object is to draw attention of the Government to the inefficient supervision in the department.

Sir, in spite of warnings from sages and seers of all ages and climes against intoxication, it has got into the marrows of humanity. The indulgence in intoxicants has got a tendency for tremendous growth; begin with a dram and end in a bottle is a common saying. If this habit is not controlled by society or the State the votary of intoxicants very often runs down the bottomless abyss.

Sir, the object of the Excise Department, if I am not mistaken, is primarily to put a healthy check on the propensity of the people for intoxicants and secondly to derive some revenue out of it. The first object is laudable—nay noble and worthy of a civilised Government. But, Sir, it is much to be regretted that the working of the department does not often drive towards that goal. The second object of revenue has been made the prime object and the prime object of control has been thrown into the lumber room—the room for storing uncared-for articles. Sir, I am not an idealist running after impossibilities. I do not hanker for a dry Bengal. I look for moderation. So I would request the Government to inculcate in the minds of the Excise officers that moderation and not revenue is the first object of the Excise Department, and in the mind of the people that the declared policy of the

Government is a control of the habit of indulging in intoxicants which uncontrolled is the cause of the ruin of many valuable lives and of many substantial families.

Sir, the Excise Officers are occupied more with the location of excise shops, more with better or bigger sale of intoxicants, more with the accounts of the excise shops than with the checking of illicit distillation of wine, or preparation of toddy, *pachwai* and other fermented liquor. It cannot be denied that there are villages where distillation of wine is going on almost openly, where hundreds of palms are tapped for toddy, where scores of jars of *pachwai* are prepared and the inhabitants freely indulge in those intoxicants and go home by the beggar's bush. The excise officers do not care for or have no time to care for checking the illegalities. Though once an Excise officer in a joking and frolicking spirit told me that the illegalities of those people were necessary to keep up the fire of the Excise Department. I cannot and do not believe that a highly civilised Government can have such an unholy object in view. I am rather inclined to think that this slackness of supervision is due more to the want of adequate number of officers than to any concealed policy.

Then, Sir, the few cases of illicit preparation that are detected and sent up for trial generally meet with varied decisions; for the same offence one gets off with a fine of a few rupees and another is sent to prison for six months. All this is due to the idiosyncracies of trying Magistrates and want of a system in the Excise prosecutions. Whatever might be the cause, it cannot be denied that this takes away much from the dignity of the department and proves the unsatisfactory state of things prevailing there. Then, Sir, there are only three officers deputed on prosecution duty. They are to look to prosecution cases in the four Courts—Bankshall Street, Sealdah, Alipore and Howrah—and to run all over the province to look to the appeal cases. Under the circumstances the limited number of prosecution cases and their varied results are not to be wondered at.

As I do not believe that the Government has any love for this slackness in supervision, to end this undesirable state of things, I would venture to suggest some mending operations for the consideration of the Government:—

(1) For better and closer supervision the posts of Superintendents should be abolished as was recommended by the Retrenchment Committee, and the districts placed in charge of Inspectors, each assisted by three or four Sub-Inspectors. This I hope will increase efficiency in supervision and at the same time introduce economy, the greatest need of the province at present. When 11 districts are already in charge

of Inspectors, the other 16 districts, I think, can be safely put in charge of them. Two of the biggest and most important districts—Midnapore and Chittagong—were for long years under the charge of Inspectors whose efficient services were highly appreciated by Government.

(2) As it is eminently a Technical Department and is now a closed service, all higher posts should be filled, not by direct recruitment but by promotions, and the promotions should be by merit and not by seniority. Promotion by seniority, as is the case in other departments, often takes away the incentive for better work from meritorious officers.

(3) For uniformity of decisions in prosecution cases there should be one Central Excise Court in Calcutta and one Excise Magistrate for each district as is the case in the United Provinces and the Punjab.

(4) That the services of one Pleader should be retained in each district to conduct prosecution cases and that the retained Pleaders be helped, if necessary, by any of the officers deputed on prosecution duty, in complicated and appeal cases.

If my suggestions be favourably considered, I hope some improvement in supervision can be effected.

With these few words I commend my motion to the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I confess that I found it rather difficult to follow the hon'ble mover and I would try to reply to only those points, which were quite audible to me. First of all the hon'ble member levelled a very general criticism against the Superintendents of Excise. I may tell him and the House that superintendence is quite good on the whole considering the magnitude of the problem and the vastness of the country. The recent establishment of the Central Detective Department, as I have just mentioned, has certainly brought down the figure for illicit distillation or smuggling, and Government propose on the results of this experiment to extend the system to other parts of the province, if necessary.

The hon'ble member said that Government should impress on the Excise officers that moderation and not revenue should be the policy. I may tell him that that is the policy which Government do follow. The policy is maximum revenue for minimum consumption, and Government have not decided to depart from that policy.

The hon'ble member also alleged that illicit distillation is going on openly in some places. Sir, I admit that the staff is not quite sufficient, and in order to check illicit distillation further I shall have to come to this House for a much larger demand than Rs. 17,73,000. The

House is very critical about increase in the cost of establishment. In fact, the speaker before the hon'ble mover did criticise this demand on the same ground. If the House would be agreeable to allow more money to be spent on staff and detection, I am sure Government could devise means for controlling illicit distillation to a much larger extent.

The hon'ble member suggested that there should be a Central Court in Calcutta for trying Excise cases and there should be one Special Magistrate in each district to try Excise cases. I do not know if he did try to find out what the expenditure would be of such establishments. Probably they would increase the cost of establishment by a very large percentage.

His other complaint was that there were different sentences in different Courts in cases which were practically of the same nature. This depends entirely on the trying Magistrate and Government cannot control the sentences. Uniformity of sentences would be very desirable, but we have to deal with human elements and that is a difficulty which is insuperable.

The hon'ble member further suggested that Government should do away with the posts of Superintendents and leave the districts in charge of Inspectors as was recommended by the Retrenchment Committee. I may remind him that that was never the recommendation of the Retrenchment Committee. The Retrenchment Committee did suggest that the number of Superintendents should be reduced, some of the Excise charges should be amalgamated and some of the districts should be left in charge of Superintendents. Government did examine those proposals and had accepted them as far as practicable. I am inclined to think that if the Rai Bahadur's suggestions are accepted, the efficiency of the Excise Department as regards Superintendence and control would deteriorate rather than improve. The Superintendents are more responsible officers than Inspectors, and they are expected to display greater sense of responsibility to approach the question from a wider point of view than Inspectors. In these circumstances Government find it difficult to accede to the request made by the mover of the motion.

With these few words I oppose the motion.

Rai Bahadur Satya Kinkar Sahana's motion was then, by leave of the House, withdrawn.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

Maulvi TAMIZUDDIN KHAN: Mr. President, Sir, I beg to move—

"That the demand of Rs. 1,81,000 under the head '6A—Excise—Superintendence—Administrative establishment' be reduced by Rs. 100 (Government policy regarding salt manufacture in Bengal)."

The issue I want to raise is the policy of Government with regard to salt manufacture in Bengal. Sir, I rise to move this motion not without some hesitation because the Hon'ble Sir John Woodhead in his speech last year said that this question descended upon his head annually like an unwelcome nor'wester, and I do not like to harass him unnecessarily over this matter over and over again. I also feel some diffidence in moving this motion because I find that all the stalwart champions of previous years seem to have been war-worn and to have receded from the field of battle. Yet, Sir, the question is of immense importance to Bengal. The House knows very well that we in Bengal consume salt to the value of about a crore of rupees annually. Therefore, if this vast quantity of salt could have been manufactured in Bengal, it would have been a very good thing for this province, and in that view of the matter I think the question bears repetition.

We know that salt is manufactured and successfully manufactured on a commercial basis in other provinces in India, for example, in Karachi, Tuticorin and also in Aden. Now, Sir, the question naturally arises that if salt can be manufactured successfully on a commercial basis elsewhere, why can it not be done in Bengal? This question was discussed threadbare by the Hon'ble Sir John Woodhead last year. The House may remember that we in Bengal labour under peculiar difficulties so far as the manufacture of salt is concerned. Salt is nowadays manufactured generally in two processes; by the rays of the sun, *i.e.*, by solar evaporation, and by boiling the brine. So far as solar evaporation is concerned, we in Bengal are at a special disadvantage on account of its meterological conditions. It was pointed out that in Bengal the the suitable season for the manufacture of salt lasted only for about 3 months—from November to February. Therefore, the time available for the manufacture of salt under this process is so very short that no concern can expect to be successful commercially if it chooses this method. The other method of manufacturing salt, viz., by boiling brine, has also got its own peculiar disadvantages in Bengal. Experience has shown that if salt could be manufactured successfully in Bengal, it can only be done by a combination of both these methods, namely, evaporation as well as boiling. Then, again, there is another difficulty. The brine that is available in Bengal is not of a concentrated character: it is poor in its salt contents. This is also a factor which has to be taken into account. In view of these difficulties, when this question was raised last year, the Hon'ble Sir John Woodhead gave us a very interesting point of view. He referred to the manufacture of salt in Burma in a very interesting way. It was stated that in Burma salt was successfully manufactured not from brine but from some brine beds underneath the surface of the earth. If pits are dug a few feet below the earth, there is to be found a concentrated strata of brine and out of

that salt can be manufactured successfully. On that occasion Sir John Woodhead gave a promise to this House that he would request the Government of India to send a special officer to Bengal to examine whether there were such strata on the sea coast of Bengal and if there were such strata, whether salt could be manufactured successfully from the same. So far as that is concerned I do not like to say what I have just heard from the Hon'ble Member. I leave it to him to make the statement that I know he will make before this House. I think if his statement last year was interesting, the reply which he will give to-day would be startling, but I do not like to divulge anything more of this statement which I am sure will be made by Sir John Woodhead on this point. If that method is not found to be feasible in Bengal, the question is—In what other way salt manufacture can be encouraged in Bengal? The other question is about the establishment of warehouses in certain centres in this province. So far as the warehouse idea is concerned, the Hon'ble Sir John Woodhead was not very hopeful as we know from his last year's speech. He then said that he would yet explore all possibility of establishing warehouses in Bengal and examine whether such a scheme would be at all successful. In answer to a question put to the Hon'ble Finance Member early in this session of the Council, on the 22nd February, he said that the sanction of the Government of India had been obtained to the establishment as an experimental measure of two warehouses. One at Contai in the district of Midnapore, and the other at Cox's Bazar, in the district of Chittagong. The warehouse at Contai has already been started and it was proposed to proceed with the Cox's Bazar portion of the scheme in March, 1935, if experience of the working of the Contai warehouse by that time showed that the experiment had a reasonable prospect of success. In this connection I would only like to ask a few questions of the Hon'ble Member. The warehouse at Contai has been established some time since, and I think that some experiments have already been carried out there. We want to know how far that experiment has proved to be successful or whether the experiments that may have hitherto been held are sufficient to lead to a definite conclusion, so far as the working of the Contai warehouse is concerned. As I have already said, the Hon'ble Member observed that a warehouse at Cox's Bazar would be established some time in March, 1935. We are now in the middle of March, 1935, and I want to know what is going to be done or what has been done regarding the establishment of this warehouse at Cox's Bazar. Sir, one thing strikes me in this connection. Even if the warehouse at Contai has not proved to be successful, my question is whether that is a sufficient ground to give up the idea of establishing a warehouse at Cox's Bazar? The conditions in both these places may not be identical and therefore the failure of a warehouse at Contai does not necessarily mean that a warehouse at Cox's Bazar also must necessarily be unsuccessful. I do not like

to labour this point any further. I realise that the Government of Bengal is not unsympathetic to this proposal. Members in this House in the past adversely criticised the attitude of the Government. It was said that the Government was in reality interested to see that the salt manufacture should not be successful in Bengal, because it was indicated that Government did not like the idea of a competition with the Liverpool salt manufacturers. At present, however, no salt comes to Bengal from Liverpool and all the competition that exists is with the salt that we got from Karachi, Tuticorin and particularly from Aden. Therefore, Sir, it is unreasonable to accuse the Bengal Government that it is unsympathetic to this question. My last word to Government is that they being sympathetic, they should explore all possibilities as to whether the manufacture of salt can be successful in Bengal. It is a question of vital importance. As I have already said, if successful experiments could be carried out it will mean great possibilities to the people of Bengal. With these words I commend my motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I have every sympathy with the mover of this motion; but I am afraid he has failed to take account of certain facts. The salt duty was imposed some years ago and ever since that time we have been receiving a grant from the Government of India, and although it has been stoutly denied on behalf of the Government of Bengal, this grant was given primarily for the purpose of developing the salt industry in Bengal. The Government started with denying their liability and when that denial was met with certain amount of discredit in the Legislature, Government at last began to think of doing something for the salt industry, and last year Sir John Woodhead was good enough to give us a promise of making certain advances towards thinking about the possibility of having salt manufacture in Bengal. In the meantime, while the Government is thinking, the opportunity is slipping out of our hands. The point where Maulvi Tamizuddin Khan seems to be in error is to be in supposing that it is any good in urging on the Government to do anything like what he says now. The psychological moment for starting efforts to develop the salt industry was when the protective duties were in force and the Government of India gave us money for the purpose. But that moment is well-nigh past. The speech of the Finance Member in the Legislative Assembly makes it perfectly clear that although the protective tariff has remained for the time being it would perhaps not survive another Budget. At this time it would be hardly any use making any experiment on the footing that the protection will continue. So if the Government is really serious about developing the salt industry in Bengal, it has got to think of ways and means on the footing that the salt duty does not exist, and I trust that if the Hon'ble Member proposes to promise us anything, it will be a promise on those lines.

Mr. ANANDA MOHAN PODDAR: Sir, in reply to a question of my friend Seth Hunuman Prosad Poddar on the 22nd February last, the Hon'ble Sir John Woodhead said: "The sanction of the Government of India has since been obtained to the establishment, as an experimental measure, of two warehouses—one at Contai in the district of Midnapore and the other at Cox's Bazar in the district of Chittagong. The warehouse at Contai has already been started, and it proposed to proceed with the Cox's Bazar portion of the scheme in March, 1935, if experience of the work of the Contai warehouse by that time shows that the experiment has a reasonable prospect of success.

The question was also referred to the Board of Industries under the Bengal State Aid to Industries Act. Local investigations were made by the Industrial Chemist and the Board have reported that there is no possibility of the manufacture of salt on comprehensive lines as a cottage industry in Bengal."

Sir, though we do not find much for encouragement in the above statement of the Hon'ble the Finance Member, we are prepared to wait for a reasonable period to see how the experimental measures of the two warehouses fare and would ask the Government to consider favourably the applications from other non-official concerns for the manufacture of salt.

I would in this connection draw the attention of the House to a serious impediment on the development of this particular industry in Bengal. Those who are interested in salt manufacture in Bengal know how the non-provincial suppliers are trying to consolidate their position in Bengal which will effectively prevent the development of the industry in the province. It is known that since 1931-32, when the Indian industry received protection, imports of foreign salt into the Bengal market has been rapidly declining, and this (with Bihar and Orissa and Assam) is by far the most important market of imported salt.

Since September last, a "Salt Marketing Board" has been formed by the manufacturers in India and Aden for supplying salt to the Bengal market. Its object is to eliminate foreign imports and to organise Indian imports in such a way that the seasonal demand may be first satisfied and the price may be as near as economic price. A control committee has been constituted in Calcutta to collect statistics and other relevant information about the demand. On the basis of the approximate estimate of consumption in Bengal and the adjacent areas, the following quotas have been assigned to the producers of different regions—Aden, 49·91 per cent. of the total supply; Bombay 3·74; Okha, 12·20; Karachi, 23·27; Porbandar, 6·19: and Morvi, 4·69.

The agreement will last at the first instance for 3 years. Provisions have been made to prevent the disruption of the Board when

Aden is separated by arranging that other producers will share a part of the import duty to which Aden salt may be subjected at that time.

Sir, it is apparent from the above that the infant industry in Bengal is threatened with a serious menace of competition from the non-Bengali producers. It is significant that no mention has been made by the "Salt Marketing Board" about the prospects of development of an indigenous industry in Bengal.

Sir, on the face of this I would request the Government of Bengal to take adequate notice of this advent of the Board and take such measures as may be needed to make the industry a success against this vested interest. If the Government of Bengal are serious for developing the industry in the province, they should give ample facilities to the pioneers of the industry not only for preventing the drain but also for relieving the unemployment problem.

The Hon'ble Sir JOHN WOODHEAD: Sir, this hardy annual which I described last year as a nor'wester is not such a violent nor'-wester this year: it is rather refreshing than disturbing. Last year at the end of my speech I made three statements. The first was that we had been informed that in Burma salt was manufactured on a commercial scale from brine pits, and that we had asked the Government of India to depute an officer to examine the possibilities of this process of manufacture being adopted in Bengal. I also said that it had been suggested that licensed warehouses should be established with a view to developing the manufacture of salt in this province as a cottage industry, and that we were addressing the Government of India on that proposal. And, thirdly, I promised to place the question of the manufacture of salt in Bengal before the Provincial Board of Industries in order to obtain their views. Well, Sir, we wrote to Burma and enquired about the process of manufacture from brine pits, which the Bengal Salt Manufacturer's Association assured us was followed in Burma, and we were told in reply that that process was not followed in Burma. That was the end of that line of investigation. We also placed the matter before the Provincial Board of Industries and they came to the conclusion that there was no possibility of the manufacture of salt as a cottage industry in Bengal; but they recommended further investigations as to the possibility of devising a process of manufacture on a commercial scale by a combination of the methods followed in Burma and on the Coromandal Coast.

As regards the warehouse project, we have obtained the sanction of the Government of India to an experiment and a warehouse was opened in Contai in January of this year. That experiment is not at the present moment showing much hope of success for the very reason that I

stressed last year. As I pointed out at that time the difficulty is the villager who is permitted to manufacture salt for sale in the village without payment of duty, obtains a better price by selling the salt he manufactures to the local consumer than by selling it to licensed warehouse—men who must pay a lower rate, because they have to pay duty. So far as the Contai warehouse is concerned, it is not, therefore, showing much hope of success. But it has only been in existence for a short time and we shall continue the experiment so as to give it a fair trial.

Then, as regards the recommendation made by the Provincial Board of Industries, we obtained from the Government of India the services of two officers—one from Burma who is acquainted with the process followed in Burma—that is the ordinary process of a preliminary evaporation in shallow pans followed by boiling—, and the other an officer from Sindh who is acquainted with the process followed in that province. In Sindh, salt is, I understand, manufactured from brine obtained from brine pits. We have just received the reports of these two officers but we have not as yet had time to study them carefully. The officer from Sindh is of opinion that the manufacture of salt from brine pits is not a practical proposition in Bengal. But the officer from Burma seems to be hopeful of adopting in Bengal the process of manufacture followed in Burma, particularly at a place in the Cox's Bazar subdivision. I have glanced through his report, and although he is somewhat optimistic, I was rather surprised to find this observation:—

"If a selling price of Rs. 66 per hundred maunds can be obtained, a decent profit may be expected."

My surprise was due to the fact that the price to-day in Calcutta is about Rs. 50 per hundred maunds. It looks somewhat uncertain whether a price of Rs. 50 per hundred maunds will yield a profit, but still we shall examine the report carefully with a view to deciding what action can be taken to develop the salt industry on the lines followed in Burma.

Sir, I think I have fulfilled the promises I made last year. We are experimenting with warehouses, and although I am not certain that the experiment will be a success, still we will continue that experiment for the necessary period to give it a fair trial; we shall certainly endeavour to make it a success. I also referred the matter to the Provincial Board of Industries. Their report was not very hopeful, but we have made the further inquiries they suggested. As I have said, enquiries have been made by two officers. The officer from Burma considers that conditions in Cox's Bazar approximate to those in Burma, and he is of opinion that in that area prospects are hopeful. On the other hand, as regards Contai, he is not so optimistic.

That, Sir, I think disposes of the chief points raised by Maulvi Tamizuddin Khan.

Dr. Sen Gupta said that in all probability the additional salt duty would come to an end before long. The Hon'ble the Finance Member to the Government of India made observations during his Budget speech pointing in that direction and we certainly cannot proceed upon the assumption that the additional duty will be permanent. In fact, I would remind members that it was originally imposed as an *interim* measure for one year and has been renewed from year to year since that date. Members will also recall that it was reduced from annas 4-6 to annas 2-6 two years ago. Again, I need not remind members that we have repeatedly protested most vigorously against this additional duty. If the salt industry is to be established in Bengal, it will certainly have to be established, having regard to the possibility of the additional duty being withdrawn.

Mr. Ananda Mohan Poddar talked about competition from other provinces. I do not know what solution he suggests, but I trust he does not contemplate a special protective duty for Bengal alone or any other measure designed to protect the Bengal produce against natural competition in India.

Finally, Sir, as I have said, we shall now examine the report of the officer from Burma and see what further steps we can take to assist towards the development of the salt industry in Bengal. Perhaps, Sir, with this assurance, and in view of the action we have taken during the last year, Maulvi Tamizuddin Khan may be prepared to withdraw his motion.

Maulvi Tamizuddin Khan's motion was then, by leave of the House, withdrawn.

Maulvi ABDUL HAKIM: Sir, I beg to move that the demand of Rs. 1,81,000 under the head "6A—Excise—Superintendence" be reduced by Rs. 100 (inadequate pay of petty officers).

Sir, I have tabled this motion to draw the attention of the Hon'ble Minister to the poor pay drawn by the petty officers of the Excise Department. Further, I might inform the House that there is no time-scale increment of salary for these poorly-paid officers. There are only three grades for them, viz., Rs. 20, Rs. 25, and Rs. 30. The two main grievances from which they suffer are, firstly, the inadequacy of pay, and secondly, the absence of a time-scale increment. Sir, in this connection I might say that their lot should correspond to that of the Assistant Sub-Inspectors of the Police Department. Like the Assistant Sub-Inspectors of Police the minimum qualification for recruitment of these petty officers is the passing of the Matriculation examination. They are engaged either on patrol or on stationary duty. They

are also deputed to watch excise shops. Generally, they are recruited from what is known as the *bhadralok* classes and their status may very well be compared with that of the Assistant Sub-Inspectors of Police. As regards promotion, an Assistant Sub-Inspector of Police is very fortunate because there is a rule in the Police Department that 50 per cent. of the Assistant Sub-Inspectors are to be promoted to Sub-Inspectorships, and these Sub-Inspectors are sometimes promoted to be Inspectors if their stars are on the ascendant. But the petty officers of the Excise Department are not usually promoted in this manner. Their position is worse than that of the Assistant Sub-Inspectors of Police as Excise Sub-Inspectors are generally recruited direct.

Then, Sir, I would like to draw the attention of the Hon'ble Minister to the word "officer". These people are called "petty officers", but they are treated no better than peons and bearers. In fact, their salary is very small—perhaps even smaller than that of a motor-driver. I think, the Hon'ble Minister's motor-driver is paid more than Rs. 20 or Rs. 25 a month. Having regard to their position, their comparative respectability, and the circumstances under which they have to work, I think the pay of these petty officers should be increased; and I hope the Hon'ble Minister in charge will take pity on these poor creatures and take steps for increasing their pay to a fairly equitable amount. I think that it would be better to raise their salaries from Rs. 30 to Rs. 40, with time-scale increments, as in the case of the Assistant Sub-Inspectors of Police. With these few words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this motion. The petty officers are divided into three grades, viz., Rs. 20, Rs. 25, and Rs. 30. The scales are by no means inadequate in the opinion of Government. These were revised in 1921. Before that year the scales were Rs. 12, Rs. 15, and Rs. 20; and now they are Rs. 20, Rs. 25, and Rs. 30. The scales are unaffected by the revision of the scales of pay in the case of other officers, inasmuch as they are below Rs. 80. I do not think there is much to compare the post of an Assistant Sub-Inspector with that of a petty officer. If the former gets promotion to a Sub-Inspectorship, it is because of a special rule obtaining in the Police Department; but in the Excise Department the Sub-Inspectors are recruited from people who are more qualified and they are, in course of time, given promotions to the posts of Inspectors, and who, again, are often promoted to be Superintendents. But in the case of the petty officers, there is no such rule; and that is a fact. The reason is that the high qualification necessary in the case of Sub-Inspectors or Inspectors is not insisted upon in the case of the petty officers of the Excise Department. I do not think, Sir, that the pay is at all inadequate as the hon'ble member seems to think and

make us believe. As I have already said, the scales were revised in 1921; and in view of the general fall in the price of foodstuffs, I think the pay to be adequate.

The motion was then put and lost.

Mr. R. MAITI: I beg to move that the demand of Rs. 11,55,000 under the head "6G—Excise—District charges" be reduced by Rs. 100 (illicit preparation of liquors).

Sir, in doing so, I want to draw the attention of the Government to the abnormal growth of illicit preparation of liquors which is going on in full swing in various parts of the country. There can be no denial of the fact that it has assumed an alarming proportion in these recent years. I know of many instances in which people having hardly any means to maintain themselves, merrily indulge day and night in drinking. When they can't afford to maintain their families, where do they get the money from for such luxuries? The natural inference is that they prepare illicit liquors which they consume. But, Sir, the department has signally failed to cope with such crimes or to check their growth. Many such crimes go undetected and when detected, the offenders are let off or released on payment of a few rupees as bribe to those who arrest them in the commission of such offences. These are of frequent occurrence everywhere, but the department seems to connive at these things without taking any serious steps to check this evil.

Sir, I may particularly mention here that in the town of Midnapore there exist many such dens where the illicit preparation of country liquors is going on merrily without any detection. Unless these crimes are effectively checked, this pernicious habit of the people will grow in a greater degree and bring about their ruination ultimately.

Sir, every year we hear of considerable decrease in the revenue from "Excise." We have been told by the authorities that it was largely due to the boycott movement which was some time ago prevalent in the country. But fortunately or unfortunately there has been no such movement in the country for the last 2 years. May I ask why there is still decrease in revenue on this account? It is not because the people have given up their drinking habits, but because they are getting plenty of illicit country liquor for their own consumption. The consequence has been that there is a loss of revenue every year from Excise. Unless this menace is stopped, there is no prospect of improvement in Excise revenue.

With these words, I put forward my motion for the acceptance of the House.

Mr. PRESIDENT: Mr. Lockhart, are you going to move your motion or would you like to speak on this motion?

Mr. A. R. E. LOCKHART: Sir, I should like to speak on this motion.

Sir, I rise to support this motion, but I do not think that the hon'ble mover who has just spoken has not gone quite deeply enough into the matter. We have been lucky in Bengal in the direction of the Excise policy, which I think, has been much better than in some other provinces, which have made deplorable mistakes in regard to their Excise policy. We have heard some fervid speeches on total prohibition. A great deal of lip service has been rendered to the theory of prohibition and the idea that you can stop drinking by raising the price of liquor. Excise policy was carried out in a much better way in Bengal than in the United Provinces and the Central Provinces, with the result that the Excise duty was reduced last year, and I am sure we shall eventually derive the benefit of this reduction. I urge upon the Hon'ble Minister to reconsider the level of Excise duty on country spirit with a view to a still further reduction which will bring licit liquor within the means of the normal drinker. People will drink, whether we like it or not, and it is a question of what sort of liquor, you are going to give them. Good licit liquor of known strength or bad illicit liquor with a most noxious effect on health and morality? They will continue to drink either one or the other. I would now like to put forward some constructive suggestion to the Hon'ble Minister which may have some effect in his campaign against illicit distillation. I agree that illicit distillation is on the increase and the organisation is becoming so perfect that it is exceedingly difficult for the Excise officials to deal with it. But there appear to be two obvious remedies. The Commissioner of Excise, in one of his previous reports, commented on the very light sentences which are inflicted for Excise offences, and I would urge upon Government to legislate providing penalties on a sliding scale, because obviously the man who brews a little liquor for his own use should not be liable to the same punishment as the member of an organised gang. Until we have a minimum penalty for these Excise offences, Magistrates will continue to inflict ridiculously light sentences which are absolutely inadequate, because profits are very large and it simply amounts to a few weeks' profits. If imprisonment is awarded, it is usually the poor relation who goes to jail and the real offender gets away scot-free. I would also suggest, as has been suggested by the mover of the previous motion, the setting up of an Excise Court. I believe this was also suggested by the Judge of the recent drug case at Alipore. There should be quite sufficient work for an Excise Court for Calcutta, 24-Parganas and Howrah, and to start it as an experiment would be a good move. The benefits of such a Court would be several. Firstly, the Judge would be able to deal with the habitual offenders; secondly, he would treat Excise cases in the serious spirit in which they should be treated, and thirdly, he would be able to inflict uniform and, I hope, much more severe penalties on shebeeners and traffickers.

There is one more suggestion that I would ask the Hon'ble Minister to consider. One of the recommendations of the Retrenchment Committee was to the effect that the rewards paid to Excise officers were too high and should be curtailed. In my view it is a most unwise suggestion. But unfortunately it has been accepted by Government with the result that Excise revenue has decreased during the last few years. I believe that a rule has been made after the report of the Retrenchment Committee that no Excise officer should be allowed to earn more than 6 months' pay as reward in any one year. It seems to be a most unfortunate rule, and I urge that it should be dropped at once. If you set a limit to a man's earning, you are doing away with any incentive to really hard work. It is well known all the world over that the Excise officer gets much more hindrance than help from the public in the discharge of his duty, and every effort should be made to keep him keen and up to the mark. I would further suggest that in addition to the suspension of that rule the whole scale of rewards should be increased. As the mover has pointed out, there are huge profits from illicit distillation and the temptations for the Excise officers are very great, and the conclusion that I have drawn is that every effort should be made to keep the officers of the department contented.

With these words I support the motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment moved by Mr. Maiti. First of all his allegation was that illicit distillation had reached alarming proportion during recent years. I may remind him and the House that Government are not at all unmindful of this menace. In fact, last year in my speech in introducing the demand I did stress this point and I also explained the measures that Government proposed to adopt. Those measures had been adopted and with very satisfactory results. Sir, to-day I had an opportunity of explaining to the hon'ble members the results that had been obtained by the introduction of the Central Detective Bureau. A large quantity of illicit liquor wash and other apparatus were detected by this bureau, and Government propose to extend gradually the activities of this bureau to other parts of the province. At present its activities are confined mainly to Calcutta and its suburbs, because it was considered that this was the most dangerous area. Mr. Maiti said that the officers of the department do take bribes and the department connive at such offences. I strongly repudiate any such vague allegation. As a citizen it was his duty to point out to the District Magistrate or to the Secretary or to me if any such connivance was going on or any officer was taking bribe. He said that in the town of Midnapore illicit distillation was going on very largely. He is an influential citizen of the town. If it was going on in the town, it was up to him to report the matter to the police or the District Magistrate.

May I enquire of the hon'ble member if he at all discharged his duties in this connection? I pause for an answer. If he did not, then I do not think it is proper for a man of his position, of his education and of his standing, to come here and throw vague allegations against the party of officers who, as has been pointed out by Mr. Lockhart, do work under a very great handicap and receive no co-operation from men of the type of my friend.

Sir, about the light sentences referred to by Mr. Lockhart, I can inform the House that the matter is under the consideration of Government. Government are examining the question of amendment of the Excise Act, and probably before long it will be their privilege to place before this House some concrete proposals in the form of a Bill.

About the formation of an Excise Court to deal with Excise cases, as I said in reply to the amendment moved by Rai Bahadur Satya Kinkar Sahana, this has to be examined whether it will really improve matters and it will be financially possible or not. Without examining these points it is difficult for Government to express their opinion one way or the other.

As regards reduction in rewards, I entirely agree with Mr. Lockhart. In fact, that had been the opinion of Government for a long time and they did oppose great reduction in the amount of rewards. It might be remembered that the first attack on this item was made by the Retrenchment Committee of 1922 which cut down the reward by a very substantial amount. Government reluctantly accepted only partially the proposal. So also the last Retrenchment Committee made certain recommendations about the rewards, but Government could not accept the recommendations in full, but out of deference to the opinion of the members of this House Government did accept the recommendations only partially. I do agree that this would discourage the officers of the department who do very useful work and detect Excise smuggled articles of very large value. The price of country liquor has been greatly reduced. As I had already pointed out, the consumption of country spirit did increase by 44 per cent. in Calcutta and 14 per cent. in rural areas and that was partially due to the reduction in price. But I may point out in this connection that it is never possible to bring down the price to the level of illicit liquor because the price of the licit liquor must be much higher than that of illicit. So to stop illicit distillation only by reduction of price is out of the question. But that is certainly one of the means that Government propose to adopt and have already adopted. Coupled with the reduction in prices there must be proper detection, but in this matter Government depend very largely on the co-operation of the public which they hope to get.

With these words I oppose the motion.

Mr. R. Maiti's motion was then put and lost.

Maulvi ABDUL HAKIM: Mr. President, Sir, I beg to move that the demand of Rs. 11,55,000 under the head "6G—District charges" be reduced by Rs. 100 (settling Excise shops with unemployed persons).

The motion is very simple and does not require much argument. The sufferings of educated unemployed persons are known to all and in fact the question of unemployment of the educated youths of Bengal has become a menace to the country and Government should try their best to remove this menace by supplying educated *bhadraloks* with Excise shops as far as practicable. This, in short is my object, and I do not want to waste the valuable time of this House by making a long speech. With these few words I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment. In fact, the accepted policy of Government is to settle Excise shops with educated *bhadraloks* when they are available, and forthcoming. But Government cannot dismiss the existing licensees only to accommodate educated *bhadraloks*. Sir, in order to encourage educated *bhadraloks* without much capital, Government have reduced the initial deposit fee from one and a half months to fifteen days, and whenever shops do fall vacant Government try to secure licensees from this class of men, but I think it will be undesirable to rob Peter to pay Paul, so to say. The existing licensees depend for their livelihood on these shops. This business has been perhaps their family business for generations, and certainly it does not stand to reason that A should be given because he needs it and B should be deprived of his barest subsistence without any justification whatsoever, and without any consideration of whether he too needs his livelihood equally or not. (A VOICE: Is there any affinity between education and excisable articles?) That is a matter of opinion. If educated young men are anxious to come forward and take licences of Excise shops, certainly Government would encourage them and that in fact has been their accepted policy.

Mr. PRESIDENT: I find that amendments Nos. 75, 84, 86, 87, 88 and 89 are all identical. I suggest that the intending movers thereof might move and speak on No. 75 and No. 76. The rest need not be moved because they all deal with licensing of Excise shops and the question of settlement of Excise shops. Is that agreed?

(The House agreed.)

Maulvi ABUL QUASEM: Mr. President, Sir, I beg to move that the demand of Rs. 11,55,000 under the head "6G—District charges" be reduced by Rs. 100 (policy and practice regarding recruitment).

Mr. PRESIDENT: But this is a new matter altogether. What about amendments Nos. 75 and 76? What about the motions that relate to the settlement of shops? I take it that no one intends to move any of those motions. What about the motion of Maulvi Abdul Hakim, namely, No. 74, which he moved?

Maulvi ABDUL HAKIM: Yes, Sir, I beg to withdraw my motion.

The motion of Maulvi Abdul Hakim (No. 74) was then, by leave of the House, withdrawn.

Mr. PRESIDENT: Maulvi Abul Quasem may now speak on his motion.

Maulvi ABUL QUASEM: Sir, I have already moved my motion and I may at once tell the House that the motion that I have moved relates to the recruitment of Excise Sub-Inspectors alone and not to the recruitment of any other class of officers in the Excise Department. I want to know from the Hon'ble Minister what policy is followed in the matter of recruiting Sub-Inspectors of Excise? I want to know from him how the number of officers to be appointed in any one year is fixed and how that number is distributed among the several districts of Bengal, and whether every district is allotted a particular quota. We all know that from every district applications are invited from eligible candidates; these candidates have got to appear before the District Magistrate and pass a selection test before him and then the District Magistrate's nominations go up to the Commissioner of Excise, before whom also these candidates have got to appear. Now, Sir, it often happens that, although fully eligible, candidates from certain districts have been recommended by their Magistrates, yet no candidate is chosen at all from those districts, with the result that those districts are altogether ignored and other districts get more than their share. But all the same applications from the candidates were invited from those districts. Well, Sir, if no candidate was after all to be taken from a particular district, I do not know why that district should at all be called upon to nominate any candidate. It works great hardship upon the candidates. Candidates in these days have got to concentrate on a single service. They may have a chance of entering another service, but because they concentrated on the Excise Service with a reasonable hope of obtaining an appointment they did not try elsewhere and it is a cruel disappointment to them if they failed to be appointed. I have got the case of the district of the 24-Parganas in my mind, so far as the present year is concerned. I know the case of a Moslem candidate of that district who is a graduate with honours in Economics, of a very good physique, belonging to a very respectable family and quite eligible for a post of a Sub-Inspector in this department. He was chosen by the District Magistrate, but he was not given

an appointment: it is not simply that he has been not chosen, but the 24-Parganas district has been altogether ignored in this connection. I speak subject to correction and beg to submit that this year 19 such appointments were made in the first instance. Subsequently, 10 more appointments have been made, but the district of the 24-Parganas has been altogether ignored. I feel that the people concerned have a just cause for complaint. If Government knew that from that district no candidate was likely to be appointed for reasons of their own, they should at least in mercy to the candidates not have invited applications from that district. If Government ask for applications from candidates from each district and if after being selected by the Magistrate no candidates are ultimately appointed from a district, I do not know why this laborious process is resorted to by Government. If no candidate is to be appointed from a particular district, I cannot understand why that district should at all be called upon to go through this process of inviting candidates, making them go through the process of selection by the District Magistrate thus raising hopes in them which are doomed to disappointment. I would like to know the policy that is actually followed and why in particular this year no candidates have been chosen from the district of the 24-Parganas, one of whom as I have said was a well-qualified graduate who had obtained the nomination of the Magistrate. It appears to me that when as many as 29 candidates have been chosen this year for appointment one at least from the 24-Parganas could well have been appointed.

With these words I commend my motion to the acceptance of the House.

Mr. PRESIDENT: What about motions Nos. 92-95; they all relate to the necessity of reserving services for candidates belonging to the scheduled castes. Let them be moved at this stage and let us have one discussion on them.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the policy that has been followed in the appointment of Excise Sub-Inspectors is this: Every district is asked to put up certain names and the Excise Commissioner makes a selection out of that list and in making these appointments the claim of a particular district is never taken into consideration; candidates are selected according to their merits. The Excise Commissioner generally interviews them and on the impression that they make on him and on the recommendations which they have received from their district officers and their educational qualifications —on all these grounds the selection is made. Mr. Quasem has complained of the cruel disappointment of a particular candidate, but I am afraid life is full of such disappointments, and it will be difficult to get over that difficulty. (MAULVI ABUL QUASEM: "It was caused

deliberately.") I can assure him that it was never caused deliberately. In fact the Excise Commissioner asks for nominations from every district and he goes through the whole list carefully. He interviews candidates and makes appointments on certain definite principles and if in making such appointments some districts had to be altogether omitted he could not help. As I have said, Sir, appointments are made on the merits of the candidates and not because they come from a particular locality. That is the principle which has been followed, and I am afraid it will be very difficult for Government to agree to the principle of recruiting candidates from a particular district or place. So I oppose the motion, Sir.

Maulvi ABUL QUASEM: Sir, I beg leave to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Mr. P. BANERJI: Sir, I beg to move that the demand of Rs. 17,73,000 under the head "6—Excise" be reduced by Rs. 100 (prohibition).

In this amendment, Sir, I want to point out to the Government their duty of total prohibition. In this respect, Sir, as it has been pointed out in the opening speech of the Hon'ble Minister, Government's policy is one of gradually—if I may quote his own language—decreasing the habit of drinking as far as practicable, and to this end Government found it necessary to fix the prices of liquor at a higher rate. From the Hon'ble Minister year after year we have received the same reply and this year his reply is that increase in consumption is due to illicit distillation and smuggling, although attempts were made by his department to check it. A first class certificate has been given by the Hon'ble Minister to his subordinates saying that they did whatever was possible for them to do, while accusing the members of the public and particularly the members of this House for not co-operating with Government in tackling the situation. Perhaps for the next year, too, he will promise that things will wonderfully improve—a promise which he has been repeating year after year. Sir, there is no denying the fact that so far the policy of Government in this respect has been a total failure. This is a commercial trade carried on on the vices of the people. If it is admitted that the drink habit is a vice, then it must follow that to stop it it would be necessary to decrease the quantity of the sale of liquor.

Mr. PRESIDENT: What happens if I ask you to move your other motion as well and make one speech on them?

Mr. P. BANERJI: I have no objection, and I move that the demand of Rs. 17,73,000 under the head "6—Excise" be reduced by Rs. 100 (policy).

Sir, if prohibition be the policy of Government, then I say it is not possible for the Government to do that by following a slow process. It appears that the policy of the Government is that by raising the price of liquor the sale of its quantity would be reduced. Then what about the illicit distillation? It is very necessary that it should be stopped altogether. Government may say that at this time of financial bankruptcy it would not be possible for them to stop a source of their income altogether. But my reply is that there are a thousand and one other means in the armoury of Government to raise money. They can have recourse to these means instead of making people vicious by following a bad Excise policy.

Sir, in a tropical country like this it is injurious to the health of the people if they are addicted to liquor. In cold climates the people are addicted to liquor because it is a necessity there. In the *Shastras* of both the Hindus and Muhammadans it is considered to be a sin to be addicted to liquor. Therefore, I do not understand why Government should allow the opening of new shops of liquor and other excisable articles instead of stopping or reducing the number of existing shops. I am sorry to mention that we have noticed that these liquor shops are very often allowed to be opened near the mill gates or near the tea gardens. The idea, I think, is that the labour employed in those places would find an easy access to these shops. If it be admitted that the object of Government is to make these people honest and less vicious, I think this policy should be changed and close these shops near the tea gardens and mill areas. The result of the shops being situated there is that the coolies at the week-end after getting their pay spend the major portion, if not all, of their money on liquor, and then for the sake of their bread they take to thieving and pilfering. So on the one hand the Government profess to make the people honest and less vicious and on the other they offer them baits and temptations. I may say that Government by opening these shops is trading on the vices of the ignorant people. This they should not do. We find nowadays propaganda going on in favour of prohibition and my friend here Rai Bahadur Dr. Haridhan Dutt who is connected with all kinds of temperance movements will bear me out. Everyone welcomes this movement. In America there is total prohibition: but how is it that there is no honest endeavour on the part of the British Government here in this matter? I think they ought to take a leaf out of the book of the American Government. In many things they follow the Americans, but I fail to understand why they do not follow them in this particular matter. As liquor is not a thing of necessity in this

country, Government ought to adopt the policy of total prohibition. With these words I commend my motions to the acceptance of the House.

Kazi EMDADUL HOQUE: Sir, I beg to move that the demand of Rs. 17,73,000 under the head "6—Excise" be reduced by Rs. 100 (policy).

Sir, the popular demand at least in the countryside is that the Excise policy of the Government should be brought under total prohibition. There is no denying the fact that it has been sapping the moral foundation of our young generation. The opening of the shops at random in the interior of the villages is really inviting the village people to moral degradation. People are losing their morality on account of the immoral traffic in Excise, and although we have been pressing this point year after year, Government is very slow to pay any heed to our cry. The Government I must not forget accepts our principle as they admit tacitly at least that it is a wrong policy on their part to follow and that their ultimate object also is total prohibition. They, however, at the same time say that this should be done gradually. We notice that this year Government expects at least 2 lakhs of rupees more from this head. May I ask how can this be possible unless there has been an increase in the number of persons who are addicted to drinking or are consuming excisable articles? I do not know how Government can reconcile the facts. If Government is really anxious to improve the moral of the people by prohibiting the use of these articles by gradual stages, then the only thing we can expect from them is to reduce their income under this head. Unless Government takes some steps to stop the further increase in the use of excisable articles, the people would be further degraded. The opening of the shops in the interior of the villages is to say the least of it, nothing but putting temptations to our youngsters. It is a patent fact that if our young men do not get facilities for obtaining the excisable articles, they will not be prone to commit vices. But when they are afforded all facilities for obtaining these articles by the opening of Excise shops even in the interior of the villages in the mufassal, they become so many moral wrecks. Now, Sir, our demand in the interest of our young hopefuls is that the use of these excisable articles should be forthwith prohibited. This object can be achieved at once if Government raise the prices of the excisable articles to a very great extent. For then, they as well as the poorer section of the people will be prevented from obtaining these articles, and the income of the Government at the same time will not be affected as those who can afford to pay the high prices will use the excisable articles while only the poorer people will not be able to avail themselves of the articles owing to the high prices. So, I submit again that if Government raise the duty on these excisable articles, as I have said, our aim will be partially achieved, the income of the State will

almost be unaffected and at the same time our young men and the poorer sections will be given an opportunity to give up this pernicious habit and will thus be saved from moral degradation and further will be able to save a great portion of their income.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I would like to take this opportunity to say a few words about Government's policy in regard to excisable articles. I am not including opium in it for the present, but am only restricting myself to alcohol. I have not much experience of the mufassal, so I dare not go into what happens in the towns in the mufassal. But as regards Calcutta, I presume, my friends will give me the credit for right to speak on this subject in which I have some amount of experience. During the last few years we have had debates in this House as regards the Licensing Board and other things connected with the Excise policy, and its administration in Calcutta. Confining myself at present to last year, I would ask my friend, the Hon'ble Minister, to tell us whether during the year there had been anything which would show that there had been less consumption of alcohol in the city of Calcutta. Sir, I know that the policy, or a part of the policy of Government, is to afford reasonable facilities to drinkers. Now the expression "reasonable facilities" is a very vague one; you can extend it from drops to drams, from drams to bottles, and from bottles to gallons and even to casks. I have found that the interpretation of this expression depends upon the mentality of the persons who administer the Excise policy. When I was a member of the Licensing Board, I remember that at a meeting of the Board somebody said that by "reasonable facilities" he meant that at every street corner there should be a grog shop to supply the needs of the people residing in that street. Well, Sir, some of us thought that in the European quarter there ought to be a shop for the sale of foreign liquor and that in the Indian quarter, where people congregate and generally indulge in drinking indigenous liquor, there should be shops for the sale of indigenous liquor. So, Sir, everything depends upon the interpretation. I would however like the Hon'ble Minister to tell us whether during the last year there had been any diminution in the number of shops. In part, we find only a multiplication of these grog shops. Am I to understand that this has been done to afford "reasonable facilities" to the people who drink liquor?

Sir, I do not wish to take up further time as the Hon'ble Minister would desire to say a few words on this subject, and our time is nearly up.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not think that I can reply to all the points that have been raised in the course of this debate by the hon'ble members. First of all, I might

say that Government never accepted immediate prohibition as their policy, but they accepted the principle of maximum revenue for minimum consumption. The introduction of Licensing Boards, the increase in the duty of liquor, the restriction of the hours of sale, and also of the location of shops——

The time-limit for the discussion of the demand having been reached, the motion of Mr. P. Banerji that the demand of Rs. 17,73,000 under the head "6—Excise" be reduced by Rs. 100 was then put and a division taken with the following result:—

Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Babu Kishori Mohan.
Fazlullah, Maulvi Mohammad.
Hoque, Kazi Emdadul.
Khan, Mr. Hashem Ali.
Maiti, Mr. B.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Nagendra.
Shah, Maulvi Abdul Hamid.

NOES.

Bal, Rai Sahib Sarat Chandra.
Banjilmia, Mr. H. D.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Chanda, Mr. Aparna Kumar.
Chaudhuri, Khan Bahadur Maulvi Nazar Rahman.
Cohen, Mr. D. J.
Cooper, Mr. G. G.
Dutt, Mr. G. S.
Faroqui, the Hon'ble Nawab K. N. M., Khan Bahadur.
Gilchrist, Mr. R. R.
Guha, Babu Protulla Kumar.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Mr. Razzur Rahman.
Lamb, Mr. T.
Lesson, Mr. R. W.
Martin, Mr. C. M.
Miller, Mr. S. G.
Mitter, the Hon'ble Sir Brojendra Lal.
Mittra, Babu Sarat Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mahendra Behari.
Nag, Babu Sah Lal.
Nazimuddin, the Hon'ble Khwaja Sir.
Norton, Mr. H. R.
Poddar, Mr. Ananda Mohan.
Rahoom, Mr. A.
Rahman, Khan Bahadur A. F. M. Abder.
Ray Chaudhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Ray, the Hon'ble Sir Bijay Prasad Singh.
Roy, Babu Haribansa.
Ray, Mr. Saileswar Singh.
Roy Choudhuri, Babu Hem Chandra.
Sadullah, Maulvi Mohammad.
Sen, Mr. B. R.
Steven, Mr. J. W. R.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A de6.
Woodhead, the Hon'ble Sir John.

The Ayes being 11, and the Noes 46, the motion was lost.

The following motions were then put and lost:—

"That the demand of Rs. 17,73,000 under the head '6—Excise' be reduced by Rs. 100 (policy)."

"That the demand of Rs. 17,73,000 under the head '6—Excise' be reduced by Rs. 100 (anti-national policy)."

The original motion that a sum of Rs. 17,73,000 be granted for expenditure under the head "6—Excise" was then put and agreed to.

7—Stamp.

The Hon'ble JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 5,21,000 be granted for expenditure under the head "7—Stamps."

MOTIONS FOR REDUCTION.

Maulvi ABDUL HAKIM: Sir, I beg to move that the demand of Rs. 1,39,000 under the head "7—Stamps—B—Judicial—Charges for the sale of stamps" be reduced by Rs. 100.

In times past, when Hindus and Muhammadans ruled India, there was no such thing as court-fee in courts of justice in India. In those times, even a poor widow could approach a Judge, and could put her complaint even verbally before him and receive justice without any cost. As a matter of fact, the court-fee is acting as a negation of justice in British India. However, I do not like to dwell upon a thing which is not possible under the British rule. I wish to draw the attention of Government to take such steps as would carry justice to the doors of the poor people without much cost or obstacle.

First of all I wish to deal with the criminal side. In criminal courts there is no difference of court-fee regarding the subject matter of the complaint in non-cognizable cases. Whatever may be the amount of damage, mischief or misappropriation in the petition of complaint, it always requires a court-fee charge of one rupee. As for instance, if a poor litigant's crop field is slightly damaged by cattle and he lodges a complaint for a damage amounting to one rupee, he is to pay two rupees as court-fee on the very day of lodging his complaint, one rupee on the petition of complaint and another rupee on the *mukhteernama*. And if on subsequent dates of the trial, this litigant is to file any other petitions in his case for any reason, he is to pay a court-fee of annas 12 for each petition. Thus this litigant suffers a great deal of loss in having his case tried, and if this man happens to be a poor man, it is impossible for him to proceed with the case any further. This is a great anomaly in the procedure for the trial of a criminal case. My point is that in cases where the subject matter of the complaint is very small, provision should be made for filing lesser amount of court-fee than is now used. In such cases a schedule should be prepared by Government stating the amount of court-fees to be used. On the whole, court-fee in such cases should be substantially diminished for the facility of the poor litigants and courts should be directed to take cognizance of verbal complaints from poor litigants. In civil suits, as you all know, a petition for *tadbir* requires only two annas court-fee in all suits, where the valuation of the suit is less than Rs. 50. In civil suits there is provision that paupers can institute suits without

court-fee, but they are, as far as I know, bound to deposit the court-fee cost for issuing process for attendance of witnesses. This is a burden and an anomaly which should be removed in suits instituted by paupers.

Another point is that poor people have dire grievance against the exorbitant rate of *ad valorem* court-fee to be paid in civil courts. Sir, if all union courts and union benches could try cases honestly and efficiently, poor peoples' grievances could be redressed to a great extent. But to our utter misfortune the union courts and benches are not functioning well for various reasons. In fact, poor people have no place where to lay their heads on earth when they suffer from oppression. I have great regard for our hon'ble and veteran Member in charge and, I hope, he will pay his anxious attention to this matter so that poor litigants may receive justice at a cheap cost.

The Hon'ble Sir JOHN WOODHEAD: Sir, in replying to a cut motion under the head "Stamps" I really cannot deal with the complicated question of court-fees in civil and criminal cases. My reply must be that any reduction in court-fees, criminal or civil, will mean a reduction in revenue. At the present moment I certainly cannot concur in any proposal involving a reduction in revenue.

I oppose the motion.

The motion was then put and lost.

Mr. R. MAITI: Sir, I beg to move that the demand of Rs. 5,21,000 under the head "7—Stamps" be reduced by Rs. 100 (increase in the value of stamps).

Sir, in moving this motion I beg to invite the attention of the Government to the increase in the value of stamps. Every one of us knows that the increase in the value of stamps has caused a great hardship to the people in the matter of their litigation as well as in their ordinary transactions. People have already been hard hit by the acute economic distress at the present moment and there is hardly in sight any prospect of improvement in their financial condition. It has been very difficult for them to maintain themselves and their families in these days. That being so, how could you expect them to come to court for the realisation of their proper dues or for the determination of their just rights? Besides, the increase in the value of stamps—judicial or non-judicial—has put another burden on their shoulders so that they can no more think of any necessary litigation or transaction. The result is that there is a great deal of decrease in cases in every court and non-registration of documents in every registry office. If you want to increase the revenue on stamps, you will have to decrease its value. Sir, this is a principle which every businessman thoroughly understands. But Government starts at the wrong end by putting the

cart before the horse. They ought to take this warning beforehand. Else a time will soon arrive when there will be no income at all from stamps.

With these words I commend my motion to the acceptance of the House.

The Hon'ble Sir JOHN WOODHEAD: Sir, the hon'ble member spoke of an increase in the rates of stamp duty. The only increase I am aware of was that made in 1922 when this Council passed a Bill providing for a general enhancement in stamp duties. I would suggest that a cut motion of this kind might more properly be put down by the hon'ble member against the Legislative Council for having passed the legislation of 1922. For the reasons given in my reply to the preceding motion, I must oppose this motion.

Mr. Maiti's motion was then put and lost.

The original motion of the Hon'ble Sir John Woodhead was then put and agreed to.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

8—Forest, 8A—Forest—Capital outlay charged to revenue, and 52A—Forest—Capital outlay not charged to revenue.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 8,80,000 be granted for expenditure under the head "8—Forest," "8A—Forest—Capital outlay charged to revenue" and "52—Forest—Capital outlay not charged to revenue."

MOTIONS FOR REDUCTION.

Mr. PRESIDENT: I will take up motions for reduction at this stage; 40 minutes have been allotted to this subject.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 43,350 under the head "8—Forest—8B and 8D—Establishment—Pay of officers" be reduced by Rs. 100 (to ventilate the grievances of the Bengal Forest Service).

Sir, I do not think there will be much difference of opinion in this House that the Bengal Forest Service, which I may call the Cinderella service of the Government of Bengal, has been very badly treated ever since the new rules of recruitment to the provincial services came into existence. This Bengal Forest Service used formerly to be drawn

exclusively from the junior ranks of the service, but about 20 years ago, rather 22 years ago, new rules of recruitment came into existence and graduates of the University after training in the Dehra Dun Forest College were recruited into the service. Sir, the pay of the service at that time was Rs. 250 to Rs. 750—almost the same pay as those of the officers of the Bengal Executive Service, Bengal Judicial Service and other provincial services. In 1922 or 1923 when the pay of the other services—provincial services—was increased, there was no increase made in the pay of the Bengal Forest Service who had always to work under very difficult climatic conditions and who were engaged on work which produced money and brought revenues to Government. But, Sir, when the usual reduction in pay came in 1934, the Bengal Forest Service shared in that reduction. That is one of the grievances under which the Bengal Forest Service labours. Secondly, it may be news to the members of this House that there was formerly provision for the promotion of Bengal Forest Service men into the Imperial Forest Service and by a decision of the higher authorities the proportion of promoted men was placed, I believe, at 20 per cent. It will also be news to the members of this House that ever since that opening was given to the Bengal Forest Service only two gentlemen have ever been promoted to the Imperial Forest Service. When in 1929 both these promoted officers were in service, an addition was made to the cadre of the Imperial Forest Service and the Secretary of State also ruled that 25 per cent. of the vacancies in the Imperial Forest Service would go to promoted Bengal Forest Service men; by that ruling one more post would have been opened to the Bengal Forest Service men for promotion to the Imperial Forest Service, but strange to say, before the Bengal Government could make up their minds to promote one of these Bengal Forest Service men to the Imperial Forest Service orders came from the Government of India appointing a raw junior—rather a raw outsider—a callow youth, that is, to the Imperial Forest Service, so that the proportion—the mathematical proportion—of the promotion figure remained at two again and there were already two promoted men in the Imperial Forest Service. Later on, one of these two gentlemen Mr. J. N. Basu retired about a year ago, but up till now there has been no promotion from the Bengal Forest Service to the Imperial Forest Service. The Civil List shows that the sanctioned number of posts in the Imperial Forest Service is 22, 2 for the Conservators of Forests and 20 for Deputy and Assistant Conservators of Forests: of these one in the rank of Conservator of Forests is vacant, having been held in abeyance, and of the 20 Deputy and Assistant Conservators, I find there are two posts vacant there also. To all these three vacancies, it would appear that in justice, the men in the Bengal Forest Service ought to be promoted but nothing has been done. I do not know how long these posts will be held vacant and how long the lying injustice done to the Bengal Forest Service will remain unredressed. So far as these men are concerned, I have told the

House already that they have got to work in very uncongenial surroundings from year's end to year's end and their allowances, halting and travelling, are on the same par with the other departments of Government. The Bengal Forest Service have been neglected for a long time by the authorities and I think it is high time, when Government is trying to find out avenues to add to its revenues, to look to the interests of these officers who are employed on productive work under Government. I hope that in his reply, if there be any, the Hon'ble Member will kindly express himself in unmistakable language and in language which we can all follow. I say that, because the last utterances of the Hon'ble Member, so far as I am personally concerned, were couched in language which I could not follow. He accused me of hitting the Treasury Benches below the belt, an expression of which perhaps he does not know the meaning. I hope he will confine himself to a language that he understands and by which he can make himself understood.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the statement of facts made by Mr. Narendra Kumar Basu is substantially correct, with this exception that although there has been no real increase in the pay of the officers of the Provincial Service of the Forest Department at the time when the pay of other departments was increased, but just prior to that the scale of their pay was changed and to a certain extent they were really better off than they were before 1920, and this consisted in the fact that there were three posts which could be filled by these Provincial Service men and which carried a pay of Rs. 700—800—850.

Mr. NARENDRA KUMAR BASU: Has anybody ever been appointed to these posts?

The Hon'ble Khwaja Sir NAZIMUDDIN: At the time the scale was changed there were only three men who could get these three posts, but when the change was made in 1921 the scale was raised from Rs. 250 to Rs. 750 which enabled every one to reach the maximum scale of the pay of the post, namely, Rs. 750. As I have already said, I agree with Mr. Basu that there was no increase at the time when the pay of the other services was increased, but prior to that their scale of pay was improved. The real grievance of the Provincial Forest Service men is that they have been debarred from being promoted to the Imperial Forest Service. That, Sir, is a genuine grievance and there is no doubt that they are feeling this grievance very much, but unfortunately that is not a matter in which the Government of Bengal can help. Mr. Basu knows, I believe, that the Government of India in 1932 issued orders stopping promotion or direct recruitment to the Imperial Forest Service until and unless the question was decided whether there would be an Imperial Forest Service or a Provincial

Forest Service reorganised on a new basis. The question was discussed at the Round Table Conference and this was the decision reached by the Services Sub-Committee of the Indian Round Table Conference. So that until and unless the Government of India decide one way or the other, the Government of Bengal cannot promote anybody to the Imperial Branch of the Forest Service. There are three vacancies at the present time and we have suggested to them that they should not be filled for the time being. First of all, we cannot fill these posts according to the orders of the Government of India, and secondly, we think that, if these posts can be filled later on, if it is decided to retain the Imperial Branch of the Forest Service, it would be better to promote the Provincial Service men to the Imperial Forest Service and reduce the number of Provincial Service men. But that is a question on which a final decision will be arrived at after the Government of India have decided the policy: that is my personal opinion only. So it will be seen that although there is a genuine grievance on the part of the Provincial Service men, it is very much similar to the grievances of the officers of the Provincial Service of the Education Department Grade before I was introduced in the Education Department. In that case it was much more serious because there were a larger number of men who were acting in the Indian Educational Service posts without getting any advantage or profit. Here practically the same thing is happening, but as in the Education Department the Government of Bengal could not do anything until they introduced Grade I, similarly in the case of the Forest Department also, this Government cannot do anything until this question is finally decided by the Government of India. I hope that, in view of the explanation given by me and and also in view of the recogniton by Government of the fact that there is a certain amount of injustice done to the Provincial Forest Service men Mr. Narendra Kumar Basu will withdraw his motion. I may state that so far as the other grievances of these officers are concerned, I am going into them thoroughly.

Mr. NARENDRA KUMAR BASU: Now that I understand the language used by the Hon'ble Member, I beg leave to withdraw my motion.

The motion of Mr. Narendra Kumar Basu was then, by leave of the House, withdrawn.

Mr. NARENDRA KUMAR BASU: I beg to move that the demand of Rs. 57,199 under the head "8—Forest—8B and 8D—Temporary establishment" be reduced by Rs. 100 (policy of keeping men on as temporary for years together).

Sir, I think it will be news to many members of the House that in the establishment of the Forest Department there are more temporary

men than permanent. I believe the percentage is 55 and 45—something like the communal proportion of the province and you will be surprised to hear that some of these temporary men have been in the service for 12 or 13 years and are still temporary. The permanent men are retiring or being got rid of, but no permanent appointments are being made. This, Sir, is a policy which I think no Government which considers and calls itself to be a civilised Government ought to adopt. I do not know the reason why so many men should be kept on in temporary service from year's end to year's end, for years together. They must be giving satisfactory services; otherwise, they would have been discharged. It cannot be said that they are not being made permanent because the Government of India stand in the way. The Government of India have nothing to do with the subordinate services in the Forest Department establishment. One would, therefore, like to know why this policy is being followed. Moreover, Sir, there is just another grievance with regard to these temporary men. According to the recent policy of Government, permanent men having certain years of service are sometimes compulsorily retired and temporary hands are employed. One would think, not being in the Government, that it would be an act of bare justice to appoint these discharged and pensioned-off men who have not been discharged for incompetency but on financial grounds, that they should be re-employed: that is not done. What is done is that rank outsiders are brought in and given preference to these men who have been discharged before their time. As I have said, if they had been discharged for incompetency or their inability to discharge their duties, that would have been another matter altogether; but where you discharge the men not because of their incompetency, but because you cannot maintain the cadres to which these men were posted owing to financial grounds, why do you discharge these men and employ new hands? What is the use of keeping temporary men in the service and men who will remain temporary for years. Why do you not bring back to service men whose income has been curtailed forcibly and compulsorily by Government? Why should not they be brought back to service? I think these are the main grievances of the men of the Forest Department that I have to bring to the notice of the Government.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, here again I must admit that there is a great deal of justification for the criticism made by Mr. Narendra Kumar Basu. Although there is a very large number of temporary men in the Forest Department, in some cases they are unavoidable; for instance, the *manjhis* and boatmen in the Sundarbans Forest Division who cannot be employed in any other way but as temporary men. Apart from that, there is no doubt that there is a large number of men who are appointed on a temporary basis. They

would have been made permanent but for the fact that the economic depression set in and the revenue from the Forest Department began to fall and Government were compelled to make drastic curtailment in their expenditure. It was found that if these posts are made permanent, it will increase the recurring expenditure of the Forest Department. Therefore, we are waiting for the time when the financial position will improve and when this question will be examined to see if these men can be made permanent.

As regards the criticism for not giving new appointments to the men discharged on account of retrenchment, I have a vague suspicion that Mr. Narendra Kumar Basu is mixing up the case of the Forest Department with that of Irrigation Department about which he has put in a definite question. I doubt whether there is any case in the Forest Department where men had been discharged on grounds of retrenchment and later on not re-employed when there were vacancies.

Mr. NARENDRA KUMAR BASU: There are at least two cases.

The Hon'ble Khwaja Sir NAZIMUDDIN: Those two cases are of the Irrigation Department; but I may be wrong. Anyhow, it is very difficult in the cases of the Forest Department to always give appointment to men who have been retrenched. It may be, Sir, that men working in the Chittagong Range might have been retrenched and a vacancy might have occurred in the Mymensingh or Jalpaiguri Ranges. In such cases it is very convenient to take local men, because it is very difficult to circularise all the Ranges to find out whether retrenched men are available——

Mr. NARENDRA KUMAR BASU: What about the clerical staff?

The Hon'ble Khwaja Sir NAZIMUDDIN: Here also the same question arises, namely, the difficulty of circularising all the Ranges to find out if retrenched men are available for re-employment. But so far as Government are concerned, they try their level best to give employment to the men who have been retrenched, subject to the proviso of communal representation. Now, in view of the explanation given by me, I hope Mr. Narendra Kumar Basu will understand my language and will see his way to withdraw the motion.

Mr. NARENDRA KUMAR BASU: Sir, though I understand the language, I do not consider the explanation satisfactory, and considering the thinness of the House I withdraw the motion.

The motion was then, by leave of the House, withdrawn.

The original motion of the Hon'ble Khwaja Sir Nazimuddin was then put and agreed to.

Adjournment.

The Council was then adjourned until 3 p.m. on Monday, the 18th March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 18th March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 96 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Payment of "poolbandi" charges by the Burdwan Raj Estate.

*65. **Mr. SAILESWAR SINGH ROY:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether it is a fact that the Burdwan Raj Estate pays a consolidated amount annually to Government as *poolbandi* charges for the maintenance of all embankments within the estate?

(*b*) Is it a fact that under the arrangement between the Burdwan Raj Estate and Government no *poolbandi* charge in addition to what is referred to in (*a*) is payable by the Raj?

(*c*) Is it a fact that in pursuance of this arrangement the Revenue Department of the Government of Bengal issued instructions on the 11th of August, 1886, under that Department letter No. 1911-692L.R., to the Secretary, Board of Revenue, asking the Board to exempt the Burdwan Raj Estate from the maintenance cost of the left embankment of the Madaria khal from Amta to Harispur in the Uluberia subdivision of the Hooghly district now Howrah?

(*d*) Is it a fact that the Commissioner of the Burdwan Division in his letter No. 280-R.G., dated the 5th February, 1896, to the Collector of Hooghly, asked the latter to act in compliance with the Government order in the Revenue Department letter No. 1911-692L.R., dated the 11th of August, 1886?

(*e*) Is it a fact that in spite of the arrangement between Government and the Burdwan Raj about the payment of the maintenance cost for embankment cost in addition has been realised from the Raj with respect to the Madaria khal embankment?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state why the realisation was made?

(*g*) Will the Hon'ble Member be pleased to state the authority under which the arrangement between them and the Burdwan Raj about embankment costs can be varied?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes, for the old embankments, but not for all the embankments at present existing in the estate.

(*b*) No.

(*c*) Such instructions were issued.

(*d*) Yes.

(*e*) Since 1921, costs for improvement of drainage along the Madaria canal have been realised under Act II of 1882 from the persons benefited, including the Burdwan Raj, which made no objection within the time allowed by law.

(*f*) In 1912 the Board decided that costs under Act II of 1882 could be levied for embankments which did not exist at the time of the Permanent Settlement, or for drainage schemes, because such schemes were not covered by *poolbandi* contract.

(*g*) The action taken does not amount to a variation of the arrangement, but was a legal assessment of costs for a new improvement, made under Act II of 1882.

Mr. NARENDRA KUMAR BASU: With reference to answer (*e*), will the Hon'ble Member be pleased to state whether the policy of the Government is to levy costs from people who have been exempted under the contract, simply because they did not make any objection within the time allotted by law?

The Hon'ble Sir BROJENDRA LAL MITTER: No, Sir. Charges were made for things outside the contract. If the hon'ble member will look at answer (*f*), he will see that it has been made clear.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether the costs for embankments and other drainage schemes were levied for the same area as was covered by *poolbandi* contract?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice, Sir.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member kindly let us know whether new embankments were created because the *poolbandi* arrangements broke down?

The Hon'ble Sir BROJENDRA LAL MITTER: No, Sir. The *poolbandi* contract applies to certain embankments which were in existence at the time of the Permanent Settlement. Embankments which came into existence after the Permanent Settlement are, therefore, outside the contract and charges have been made in respect of those outside the Permanent Settlement.

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state if there was a list kept at the beginning before the *poolbandi* charge was imposed on the Burdwan Raj?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice, Sir.

Mr. NARENDRA KUMAR BASU: With reference to the answer given by the Hon'ble Member, if he will kindly read the answers (*c*) and (*d*), he will find that in 1886, the Revenue Department of the Government of Bengal directed the exemption of the Raj from the maintenance cost of the left embankment of the Madaria khal, and that in 1921 the Board was realising the maintenance cost for the embankment with respect to the Madaria khal embankment—how was this made possible?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*a*), will the Hon'ble Member be pleased to state what amount is annually paid on account of the maintenance of the embankments?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice.

Arrest of labour leaders and workers on 18th July, 1934.

*68. **Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the number of labour leaders and workers arrested on the 18th July, 1934, with their names and the charges made against them on the date of their arrest;

(*ii*) how many of these arrested persons were prosecuted;

(*iii*) for what offences were they prosecuted respectively; and

(*iv*) how many of these persons were released on bail or otherwise during or after Mr. Gandhi's visit to Calcutta?

(*b*) Has the attention of the Hon'ble Member been drawn to the fact that the charges made against these men in connection with a meeting in the Albert Hall have been held by the Chief Presidency Magistrate to have been false and unfounded?

(*c*) Do the Government contemplate taking any steps against the police officers concerned in making false and exaggerated statements regarding the Albert Hall meeting on the 14th July, 1934?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*)(*i*) Eighteen persons were arrested in connection with the meeting mentioned in (*b*) of the question. All were charged at the time of arrest under section 143, Indian Penal Code, and this was shown on the charge sheet. A list of these persons is laid on the table.

All except Abdul Halim and Ranendra Nath Sen were arrested on the 18th July, 1934. Abdul Halim was arrested on 20th July and Ranendra Nath Sen on 26th July, 1934.

(*ii*) All.

(*iii*) All under section 143, Indian Penal Code, and two also under section 117 read with sections 323 and 506, Indian Penal Code.

(*iv*) A statement is laid on the table showing the dates on which 16 were released on bail. Of the other two, one had been in the meantime sentenced to 3 months' rigorous imprisonment in another case and the charge against the other was withdrawn to enable him to stand his trial in another case at Contai.

(*b*) and (*c*) The Magistrate held the prosecution evidence to be exaggerated. Government do not contemplate taking any steps against the police officers concerned in the prosecution.

List of persons arrested referred to in the reply to starred question No. 66 (a) (i).

1. Ajit Das Gupta.	10. Balwant Singh Pardeshi.
2. Badal Ganguly.	11. Shantiram Mandal.
3. Bepin Chakravortty.	12. Saroje Mukherjee.
4. Shamsul Huda.	13. A. M. A. Zaman.
5. Promode Ranjan Sen.	14. Bankim Mukerjee.
6. Niharendu Dutt Mazumdar.	15. Shamnarain Sarma.
7. Sher Khan.	16. Nanigopal Mukherjee.
8. Chiranji Lal Shroff.	17. Abdul Halim.
9. Rajani Mukherjee.	18. Ranendra Nath Sen.

Nos. 1 to 16 were arrested on 18th July, 1934, No. 17, Abdul Halim, on 20th July, 1934, and No. 18, Ranendra Nath Sen, on 26th July, 1934.

Statement referred to in the reply to clause (a) (iv) of starred question No. 66 (iv).

The persons named below were released on bail as follows:—

1. Ajit Das Gupta, released on 25th July, 1934.
2. Badal Ganguly, released on 25th July, 1934.
3. Bepin Chakravortty, released on 25th July, 1934.
4. Shamsul Huda, released on 25th July, 1934.
5. Promode Sen, released on 25th July, 1934.
6. Niharendu Dutt Mazumdar, released on 19th July, 1934.
7. Sher Khan, released on 20th July, 1934.
8. Chiranji Lal Shroff, released on 20th July, 1934.
9. Rajani Mukherjee, released on 20th July, 1934.
10. Balwant Singh Pardeshi, released on 20th July, 1934.
11. Santiram Mandal, released on 21st July, 1934.
12. Saroje Mukherjee, released on 23rd July, 1934.
13. A. M. A. Zaman, released on 23rd July, 1934.
14. Bankim Mukherjee, released on 23rd July, 1934.
15. Shamnarain Sharma, released on 23rd July 1934.
16. Abdul Halim, released on 25th July, 1934.

Mr. NARENDRA KUMAR BASU: With reference to answers (*b*) and (*c*), did the Magistrate acquit these men?

The Hon'ble Mr. R. N. REID: Yes, Sir.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the Magistrate held that the prosecution evidence was unreliable?

The Hon'ble Mr. R. N. REID: As far as I remember, the expression used was "exaggerated," Sir.

Mr. NARENDRA KUMAR BASU: Is it not a fact that the Magistrate acquitted these men because the exaggerated evidence was not accepted by him?

Mr. PRESIDENT: That is more or less an argument.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state why the conduct of the police officers who gave this exaggerated evidence will not be taken notice of, when 18 of these accused persons were acquitted by the Magistrate on the evidence of these men?

The Hon'ble Mr. R. N. REID: That was the opinion of the Magistrate, and it does not necessarily follow that the superior officers of the Police Department agree with it.

Mr. NARENDRA KUMAR BASU: Has the Government taken any steps, or do they contemplate taking any, to have the Magistrate's opinion tested by the High Court?

The Hon'ble Mr. R. N. REID: No, Sir.

Confirmation of certain persons as Inspectors or Shed Masters in the Calcutta Port Trust.

*67. **Mr. P. BANERJI:** (*a*) With reference to the answer to clauses (*f*), (*i*), (*ii*) and (*iii*) of starred question No. 17, put by me on the 18th December, 1934, will the Hon'ble Member in charge of the Marine Department be pleased to state the circumstances under which persons like Messrs. Spencer, Munroe, Barker, Yakchee, Beddoe, Barnard and McMohan holding substantively the post of Assistant Shed Master were confirmed as Inspectors or Shed Masters after the "Traffic Probationers" recruited in the year 1929 had completed their period of training?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) whether the length of service is the determining factor for promotion and seniority in the Calcutta Port Trust;

(*ii*) whether it is a fact that the person named in (*a*) were confirmed in the services as Assistant Shed Masters after remaining on probation for a period of six months only?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to state on what ground could they claim seniority over the "Traffic Probationers" recruited in 1929 whose period of training was stipulated to be three years but has been indefinitely prolonged?

(*d*) Will the Hon'ble Member be pleased to state whether it is a fact that in the matters of promotion—

(*i*) the European and Anglo-Indian employees of the Calcutta Port Trust are usually given preference to their Indian colleagues; and

(*ii*) when the Indians are solely concerned, the confirmation or promotion in the services is generally governed by such considerations as the influence of and relationship with high officials or public men of eminence in Bengal?

(*e*) Is it a fact that Mr. S. L. Das, a young non-Bengali of about 25 years of age, has recently been confirmed as the Deputy Secretary on Rs. 850 per mensem *plus* a motor car allowance?

(*f*) Is it a fact that the said Mr. Das is closely related to Dr. Bani Prasad, the Director of the Zoological Survey of India?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state what is the relationship between the two?

(*h*) With reference to the reply to clause (*g*) of the said question No. 17 of the 18th December, 1934, will the Hon'ble Member be pleased to state whether it is a fact that the Government employees of almost all grades of services including those in the Imperial rank have to sit, while in service, for departmental examinations and the results thereof go to determine their progress at the early stages of their careers?

(*i*) Is the Hon'ble Member aware that in the Railways too, both State and Company managed, there obtains the system of departmental examinations, in some cases even for persons holding the charge of districts?

(*j*) If the answers to (*h*) and (*i*) are in the affirmative, will the Hon'ble Member be pleased to State why the Calcutta Port Trust authorities do not adopt similar system *as widely as possible* in order to test the abilities and intelligence of their employees?

(*k*) Do the Government realise that it is an almost universally recognised fact that the system of examinations in the public services helps not only to limit the probable scope of favouritism and corruption, but also leads to the recognition of intelligent and meritorious persons?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) Messrs. Spencer, Barker, Yakchee, Barnard and McMohan were appointed as probationary Inspectors on 8th September, 1924, 29th March, 1927, 18th December, 1926, 16th March, 1928, and 19th March, 1928, respectively. Messrs. Munroe and Beddoe were appointed in the post of Supercargo on the 11th October, 1923, and 1st April, 1927, respectively, and as Assistant Shed Masters on the 8th April, 1927, and 19th October, 1928, respectively. All these men had more experience and were senior to the traffic probationers appointed in 1929 and might reasonably expect to be confirmed as Shed Masters or Inspectors before the men appointed in 1929.

(*b*) (*i*) No. Promotion in Port Commissioners' service depends on general suitability due regard being had to seniority.

(*ii*) No. A statement is laid on the table showing the date of appointment and the date of confirmation of each.

(*c*) Does not arise.

(*d*) (*i*) and (*ii*) No.

(*e*) and (*f*) Yes.

(*g*) Dr. Bani Prasad is Mr. Das's brother-in-law.

(*h*) In Government service as a rule only probationers are required to sit for departmental examinations.

(*i*) I have no knowledge.

(*j*) The attention of the Hon'ble Member is invited to the replies given to (*d*), (*e*), (*g*) and (*h*) of question 82 asked by Mr. P. Banerji on 12th December, 1932. It is not considered necessary to extend the system of departmental examinations.

(*k*) Government recognise that the system of open competitive examinations tends to lessen the risk of favouritism in the making of appointments and affords an opportunity to meritorious candidates.

Statement referred to in the reply to starred question No. 67 (b) (ii)

Name.	Date of appointment.	Date of confirmation.
1. Mr. Spencer	8-9-1924	1-10-1927
2. Mr. Munroe	11-10-1923	8-4-1927
3. Mr. Barker	29-3-1927	25-10-1928
4. Mr. Yakchee	18-12-1926	23-1-1928
5. Mr. Beddoe	1-4-1927	19-10-1928
6. Mr. Barnard	16-3-1928	23-2-1929
7. Mr. McMohan	19-3-1928	15-5-1929

Extra copyists of the Calcutta Registration office.

***88. Mr. K. C. RAY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether it is a fact that there are many extra copyists of the Calcutta Registration office who are still paid on piece system?

(*b*) Will the Hon'ble Minister be pleased to state whether Government are contemplating the desirability of placing them on a salaried basis at an early date?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) Yes.

(*b*) No.

Holidays in the Registration office at Calcutta.

*68. **Mr. K. C. RAY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to lay on the table a list of holidays for the clerks and copyists in the Registration office at Calcutta?

(*b*) Is the Hon'ble Minister aware that by the gazettes of the 6th September, 1934, the 9th of February, 1935 (Sri-Panchami Day), was declared to be a holiday for the said clerks and copyists among others?

(*c*) Is it a fact that the Registration office at Calcutta was kept open on that day and the clerks and copyists had to work without any extra remuneration?

(*d*) If the replies to (*b*) and (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state the reason?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) A list for 1935 is laid on the table.

(*b*) and (*c*) Yes.

(*d*) Because by a subsequent Finance Department notification No. 323 Mis., dated the 22nd January, 1935, it was declared that the 9th February would not be a holiday for the office of the Registrar of Assurances, Calcutta.

List of holidays allowed to the clerks and copyists of the office of the Registrar of Assurances, Calcutta, during 1935, referred to in the reply to starred question No. 69(a).

1. Sundays, New Year's Day, Good Friday (19th April) and Christmas Day (25th December).
2. The King-Emperor's Birthday.
3. May 6th and 7th (Silver Jubilee celebrations).
4. Id-ul-fitr—7th and 8th January.
   Sri Panchami—8th February.
   Id-uz-zuha—15th and 16th March.
   Doljatra—20th March.
   Chaitra Sankranti—13th April.
   Muharram—15th April.
   Easter Saturday—20th April.
   Easter Monday—22nd April.
   Fatiha Duwazdaham—14th June.

Half-yearly Closing of Banks' Accounts—1st July.

Janmastami—21st August.

Mahalaya—27th September.

Durga and Lakshmi Pujas—4th, 5th, 7th, 11th and 12th October.

Kali Puja—26th October.

Jagadhatri Puja—5th November.

Christmas Eve—24th December.

Day following Christmas Day—26th December.

Id-ul-fitr—27th and 28th December.

Last day of the year—31st December.

Discharged clerks of the Irrigation Department.

***70. Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Irrigation Department be pleased to lay on the table a statement showing for the years 1933 and 1934—

(*i*) the names of the clerks in the department who have been discharged, together with the names, length of service and reasons for discharge; and

(*ii*) the names with the education and other qualifications of the persons appointed?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) and (*ii*) Two statements are laid on the table.

I—Statement showing the names of the ministerial officers who were discharged during 1933 and 1934 and their length of service and reasons for discharge, referred to in the reply to starred question No. 70.

Names.	Designation.	Date of termination of service.	Length of service.	Reasons for discharge.	Remarks.
1. Babu Bibhuti Bhusan Ghose.	Temporary Estimator, and Draftsman, Birbhum subdivision.	28-2-1934	About 25 years.	Reduction of establishment due to retrenchment.	....
2. Babu Surendra Nath Banerji.	Subdivisional clerk.	21-12-1934	24 years 2 months 18 days.	Reduction of establishment due to retrenchment of one post of Subdivisional clerk.	He has been compulsorily retired under the Bengal Services (Compulsory Retirement) Rules, 1933.

II—Statement showing the ministerial officers appointed in the Irrigation Department during the years 1933 and 1934, referred to in the reply to starred question No. 70.

Names.	Educational and other qualifications.	Remarks.
1. Babu Birendra Kumar Bhattacharjee.	B.A. ..	Appointed as a temporary unpassed Accounts clerk in the Dredger Division, Babu Purna Chandra Mukherji, head clerk, retired.
2. Maulvi Abdus Sattar ..	B.A. ..	Appointed as a temporary Revenue clerk in the Canals Division (new post sanctioned by Chief Engineer).
3. Maulvi Abdus Samad Ahmed	B.A. ..	Appointed as a permanent typist, *vice* Maulvi Abdus Sattar, typist, transferred to P. W. D. Secretariat.
4. Maulvi Manikuddin Meah ..	Upper Subordinate ..	Appointed as an Estimator of Khulna Division, *vice* Babu Kunja Lal Banerjee, retired.
5. Maulvi Abdur Rashid ..	Read up to B.A. ..	Appointed as an unpassed Accounts clerk, *vice* Babu Banku Behari Mazumdar, Head Assistant, retired.
6. Maulvi Abdul Gaffar ..	B.A. ..	Temporary Correspondence clerk, *vice* Babu Moni Lal Banerjee, Statistical clerk, died.
7. Babu Aditya Narayan Sinha	Matriculate ..	Appointed as a Subdivisional clerk in the Calcutta Canals subdivision, *vice* Babu S. P. Banerjee, head clerk, retired.
8. Maulvi Shaikh Abdul Mannaf	B. A. Passed the trial test examination held in the office of the South-Western Circle, possesses good speed in typewriting, knows shorthand, etc.	Appointed as typist in the office of the South-Western Circle.
9. Babu Satish Chandra Sinha	B A. Retrenched clerk ..	Appointed as temporary unpassed Accounts clerk in the Damodar Division.
10. Md. Ashraf Ali ..	Matriculate. Passed the trial test examination held in the office of the South-Western Circle, possesses good speed in typewriting.	Appointed as temporary typist in the Bankura Division.
11. Md. Mobarak Hossain ..	Matriculate. Passed the trial test made by the Executive Engineer, Nadia Rivers Division.	Appointed as temporary typist in the Nadia Rivers Division.
12. Paresh Chandra Sen Gupta	Matriculate. Passed the Book Keeping and Accountancy Examination of the London Chamber of Commerce, worked as a passed Accounts clerk in various Government offices.	Appointed as temporary unpassed Accounts clerk in the Cossye Division.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state what retrenchment was made by discharging two men and appointing 12?

The Hon'ble Khwaja Sir NAZIMUDDIN: The 12 men who were appointed were so appointed in connection with other vacancies, but these two men were retrenched separately, and they had nothing to do with those appointments.

Mr. NARENDRA KUMAR BASU: If there was any necessity to have other men appointed, why were the services of these two men not retained?

The Hon'ble Khwaja Sir NAZIMUDDIN: They were retrenched on the recommendation of the Retrenchment Committee, and this was done on two grounds, namely, their having attained the stage of drawing their full pension as also on account of their inefficiency.

Mr. NARENDRA KUMAR BASU: How much money, if any, has been saved by Government, and to the Department, by compulsorily retiring these two men and appointing the other twelve men?

Mr. PRESIDENT: But, I think, those appointments had nothing to do with retrenchment?

The Hon'ble Khwaja Sir NAZIMUDDIN: As you have said, Sir, these two men were retired on the recommendation of the Retrenchment Committee, and the twelve men were appointed in the vacancies then existing.

Dr. NARESH CHANDRA SEN GUPTA: Could not the retrenched men be continued in one of the twelve vacancies?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it was not a question of continuance, but it was a question of reappointment, and these two men were not considered to be good enough. Their records of service were not good, and, therefore, they were not reappointed.

Mr. NARENDRA KUMAR BASU: I find that at page 10 against No. 9, it is stated that Babu Satish Chandra Sinha, B.A., was a retrenched officer, will the Hon'ble Member be pleased to state whether this man was retrenched from the Irrigation or some other Department?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Mr. NARENDRA KUMAR BASU: With regard to the educational and other qualifications against Nos. 8, 10, 11 and 12, it is mentioned that each of these gentlemen passed the trial test examinations held in certain offices. Will the Hon'ble Member be pleased to state whether these gentlemen stood first in those examinations?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice, Sir.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Amendment of the Certificate Manual.

34. Mr. SHANTI SHEKHARESWAR RAY: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that a proposal had been submitted to Government in the Revenue Department by Babu Nagendra Chandra Lahiri, a zamindar of Rangpur district, for the adoption of the Garnishee orders of the Allahabad and Rangoon High Courts and the Oudh Chief Court into the Certificate Manual for the better realisation of public demands under certificate?

(*b*) If so, will the Hon'ble Member be pleased to state what decision, if any, have the Government arrived at on the subject?

(*c*) Are the Government prepared to move the High Court at Calcutta to adopt these Garnishee orders as supplementary rules under Order 21 of the Civil Procedure Code to facilitate realisation of money in civil suits?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes.

(*b*) The matter is under consideration.

(*c*) The High Court was moved and new rules 46 (A to H) in Order XXI of the Civil Procedure Code have been framed.

Legislation to prevent prostitution in melas, fairs and hats.

35. Khan Bahadur A. F. M. ABDUR-RAHMAN: (*a*) With reference to the Police Department letter No. 5409Pl., dated the 10th December, 1930, conveying what action the Government had proposed to take on the resolution carried in the Council on the 11th February, 1930, will the Hon'ble Member in charge of the Police Department be pleased to state how far the question of drafting necessary legislation has progressed for stopping the practice of prostitution of fallen women in melas, fairs and hats of Bengal?

(*b*) Are the Government considering the desirability of taking immediate steps in the matter?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) and (*b*) Necessary provision to this effect has already been made in the Bengal Local Self-Government Act, 1885, by the insertion of sections 100A, 100B and 100D and by the issue of rules under section. 100A referred to, published under notification No. 5081L.S.-G., dated the 5th November, 1934.

Numerical strength of the Police Inspectors in Bengal.

Khan Bahadur A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state what is the present total strength of the Inspectors of Police in Bengal?

(*b*) Is it a fact that Inspectors of Police in Bengal are appointed from the rank of Sub-Inspector by promotion?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what is the criterion of giving promotion of Sub-Inspectors to Inspectorship?

(*d*) How many Muhammadans are holding the posts of Inspector in Bengal?

(*e*) If the percentage of the Muhammadans are below the required number, are the Government considering the desirability of giving preference to Muhammadans in such appointments in future till the required percentage is reached?

(*f*) Is there no system of recruiting candidates direct to the post of Inspector?

The Hon'ble Mr. R. N. REID: (*a*) 239.

(*b*) and (*c*) Yes. The criterion is seniority combined with merit, but it is the latter which is the determining factor.

(*d*) There are 40 Muhammadans on the permanent cadre.

(*e*) As appointments are made by promotion no communal percentage can be fixed.

(*f*) Rule 822, P. R. B., provides that appointment of Inspectors will usually be by selection from Sub-Inspectors, but permits direct recruitment up to 10 per cent of the vacancies.

Temporary clerks in the Irrigation Department.

37. Babu SUK LAL NAG: (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) how many temporary clerks are at present maintained in the Irrigation Department;

(*ii*) how long they are serving in their posts; and

(*iii*) when is it expected that they would be made permanent?

(*b*) Will the Hon'ble Member be pleased to state whether after the Retrenchment Committee's Report, any permanent hand has been provided superseding the claims of the temporary clerks?

(c) Is there any increment allowed in the salary of the temporary establishment?

(d) If the answer to (c) is in the affirmative, after how many years service are such increments allowed?

(e) Are the services of the temporary hands indispensably necessary?

(f) Why are the Government not considering the desirability of making them permanent?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) (i) 36.

(ii) Their service varies from 2 months to 14 years.

(iii) It is not expected that all will be made permanent. They have no claim to permanent appointment, though their cases are considered when suitable vacancies occur.

(b) Permanent appointments have been made both from among temporary men and from among outsiders; but, as I have explained, there is no question of superseding claims.

(c) No.

(d) Does not arise.

(e) Yes, for the present.

(f) Their services are not likely to be required permanently.

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Estates Partition (Second Amendment) Bill, 1935.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to present the report of the Select Committee on the Estates Partition (Second Amendment) Bill, 1935.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMANDS FOR GRANTS.

9—Registration.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 18,50,000 be granted for expenditure under the head "9—Registration."

Sir, I do not wish to take much time of the House in moving this demand, but I wish to mention two or three facts. The Registration Department has always limited its expenditure to the minimum possible amount, and during the last three years, the expenditure on Registration has been practically at its lowest. The expenditure in 1933-34 was Rs. 17 lakhs 51 thousand, for the current year it is estimated at 17 lakhs 76 thousand, and for the next year the estimate is 18 lakhs 55 thousand. The slight increase in the current year's estimate was due to the landlord's fee establishment, etc., but this was lower than the expenditure of most of the previous years, not excluding the year 1922-23. There were certain requirements of this Department which were practically put off owing to financial stringency.

Sir, the only points which require to be explained is the increased expenditure in the Budget of the next year. Sir, in 1933-34, the total expenditure of this Department was 17 lakhs 51 thousand, and the next year's Budget goes up to Rs. 18 lakhs 55 thousand. This increase is due to the fact that we have to restore the five per cent. cut in salary which is responsible for Rs. 15,000 and to the usual increment of pay of the Inspector-General and other gazetted officers as also to the fact that there will be some increase in the number of registration cases. We have also to maintain a temporary establishment as also a landlord's fee establishment. These are the reasons why there has been an excess provision in the next year's Budget.

So far as Mr. Narendra Kumar Basu's point of order is concerned, regarding the supplementary demand for the current year, hon'ble members will see that the original receipt budgeted for was about 19 lakhs. It was estimated that this income will increase by about 5 lakhs, and the expenditure in connection with this additional receipt of 5 lakhs was estimated at about Rs. 55,000. Actually, the receipt did not come up to five lakhs but came to about four lakhs. Hon'ble members will remember that owing to the increase in the number of transfer cases, the landlord's fee has gone up, and we have, therefore, to meet the expenditure for temporary establishment which has got to be maintained. There was an omission, probably a miscalculation, in the original budget that the pay charges will increase by Rs. 20,000. On account of the expenditure for the temporary establishment and the pay of officers and some other items, we have asked for a supplementary demand of Rs. 53,500. I must say that it was not possible to foresee this at the beginning when the Budget was prepared, and that was why the supplementary demand for Rs. 53,500 was required.

MOTIONS FOR REDUCTION.

Mr. K. C. RAY CHOWDHURY: I beg to move that the demand of Rs. 17,300 under the head "9A—Registration—Superintendence—Pay of officers—Inspector-General" be reduced by Rs. 100.

Sir, my point is that the copyists employed in the various registration offices in and round Calcutta and the mufassal are not treated properly. I have had specific instances from the Union of Registration Office Employees, Calcutta, that although the copyists are entitled to ten days' casual leave, there is a fiat of the Inspector-General that these copyists will have to copy additional words over and above the prescribed rate of 3,000 per day of copying, and 6,000 of comparing, work for the days a man remains absent on casual leave. Unless this is done, the pay of these officers is withheld until the outturn of work for the days they were absent is completed. I fail to understand how the Inspector-General can promulgate such an order the effect of which directly contravenes the general order of Government regarding leave. I trust that the hard lot of the copyists will be enquired into by the Hon'ble Minister and he will try to remove the grievances of these men. Their case is very strong indeed, and it is very desirable that their grievances should be removed immediately.

Mr. P. BANERJI: Sir, I rise to support the motion which has just been moved by my friend, Mr. K. C. Ray Chowdhury. He has ably described the hard lot of the copyists. I beg to point out that the ministerial officers and the permanent and temporary copyists of the Registration Department are subjected to great troubles and difficulties. Sir, they are overworked. If a copyist is absent on account of sickness, when he resumes his duties, he has to do not only the amount of work normally allotted to him but additional work which had accumulated on account of his absence. A man after his return from medical leave is never in a fit state of health to do additional work, and often these poor men have to work till 9 p.m. at night to finish their work, although the office hours are between 11 and 5. Then, Sir, there is no lighting arrangements in the offices of these clerks, and these men have to purchase kerosene oil for doing their work, but no payment is made by Government for what expenses they incur in that connection.

Sir, Government realises eight annas per page, but these men are paid only two annas. Then, Sir, the Registration Manual lays down that for Calcutta a clerk must copy ten pages and for the mufassal 12 pages, but the copyists especially in the mufassal are made to copy 14 pages a day. The pay of these clerks is also lower than that of the ministerial officers of the other departments of Government. Besides, in the case of senior men who have rendered 20 or 25 years' service, it is impossible for these old men to copy 10 or 12 or even 14 pages every day.

Sir, I should also like to refresh the memory of the Hon'ble Minister by referring to the speech he delivered as the President of the Conference of Employees of the Registration Department on 31st December, 1928, when he said that the grievances of these officers were

genuine. Now, when he has come to position, when he is in a position to redress their grievances, I must say that by tabling this motion we have given him an opportunity to try to do his best for removing their grievances. It is usual, Sir, that when a member is translated from this side to a place over there, I mean the treasury bench, he naturally forgets what he had said before. But I should like to refresh the memory of the Hon'ble Minister by referring to the newspapers of the 1st January, 1929, when everything appeared about this.

With these words, Sir, I support the motion.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I am glad to hear that my friend has referred to certain speeches that I am supposed to have delivered at a certain place, but I should have been more glad if my friend had been kind enough to let me know a little earlier that he intended to refer to it. Even though, as has been claimed, forgetfulness is a virtue of this side of the House, it is also a virtue of the human being in general, and it is impossible to commit to memory all the speeches a man might have made since he began his public life. Be that as it may, so far as the grievances in general of these men are concerned, I have nothing more to say than that these grievances are at least common to all establishment in the different departments of Government, and my friends may know that however sympathetic a man may be with the lot of the clerks of the registration offices as also with that of the other departments of Government, it is difficult to remove them in the present financial position of Government. I have explained at the very beginning of my speech that this Department has been practically running at an expenditure which has been the lowest for the last 15 years, and we do realize that there is scope for improvement not only in the matter of this Department in general but also in the matter of the pay and emoluments of extra *muharrirs;* but when we come to facts, we are faced with the dead weight of financial difficulties of Bengal. I hope my friend will remember the fact that we in the Government are as much anxious as he is to see that the conditions in the service are improved. I am rather glad that my friend has brought forward this matter, but I am a little surprised to find that he couched his motion in an ambiguous language. His language is "to draw the attention of the unsympathetic attitude towards the Registration employees by Inspector-General of Registration." I thought he wanted to say something, under this cover, about the Inspector-General's behaviour to the subordinates in the Registration service. Anyway, I am relieved to find that he has said nothing personal against the Inspector-General of Registration, but he has only touched on the general conditions of the service.

Take one matter alone, viz., the question of drinking-water. Government have not been cruel in this matter, as Government did provide

these things. My friend will perhaps remember that under the new system of accounting we are controlled by the Accountant-General of Bengal in our expenditure. Now the cost of supplying drinking-water, which was originally paid from the contingencies, has been disallowed by the Accountant-General. Then as regards the supply of tumblers, it is practically because the Accountant-General objected to the purchase of such articles for the use of officers and clerks, this has also been stopped; this complaint is not peculiar to this Department. There is the Accountant-General who rules in this matter; and surely if my friend says that that expenditure should be met by Government in spite of the ruling of the Accountant-General, then of course that is quite a different proposition.

Now, Sir, as regards the question of casual leave, my friend knows it perfectly well that officers are not entitled, as a matter of rule, to casual leave, and that they are supposed to be in office even when absent on casual leave. The Accountant-General has pointed out that a permanent copyist, if allowed leave, should make good the deficiency of his work; and accordingly to the departmental rule the minimum outturn of a copyist working in the Calcutta Registration Office is 3,000 words per diem, while in Alipore it is different. Even though there is the rule, that rule is not very rigidly followed inasmuch as a copyist who fails to give this outturn of work is not punished. A copyist on return from leave is allowed all facilities to make good the deficiency. The Registrar of Assurances, Calcutta, intimates that at no time the pay of a permanent *muharrir* was stopped for any failure, after return from casual leave, to make up the deficiency. Of course, in one instance the pay was held up not for this reason, but because the permanent copyist did not do the regular amount of copying work. The office of the Inspector-General was very rigid as to why a certain amount of work had not been put in in the Calcutta office.

There is one point which emerges from the speech of Mr. P. Banerji, viz., the disabilities from which the Registration employees suffer. I may tell you, Sir, that these are common to all Government offices. I do not know why he has singled out the Registration Department. I am not complaining but I am only explaining that in so far as some of the grievances are concerned they are common to all Government offices.

Sir, there is the other point on which the mover has dilated, viz., the lower pay in the Registration offices as compared with other Departments. I think the House will remember that the pay was settled as a result of the recommendations of the McAlpin Committee; and thereafter certain scales of pay were fixed for the Registration offices. It is very difficult now offhand to say why this differentiation in pay was made between the Registration and other offices. I do not think that this is a matter which can be tackled—especially at a particular

time like this when we are faced with financial difficulties. Only about two years back the total expenditure of the Registration Department could barely be covered by our income. I do not venture to push on with our schemes owing to our financial difficulties. So far as the question of pay is concerned, my friend knows that it deserves the fullest consideration of Government; but I think that the present time is not opportune to make a demand of this nature.

I oppose the motion.

Mr. K. C. Ray Chowdhury's motion was then put and lost.

Babu LALIT KUMAR BAL: Mr. President, Sir, I beg to move that the demand of Rs. 8,76,800 under the head "9B—District charges—Transferred—Pay of officers," be reduced by Rs. 100.

Sir, the object of my motion is to draw the attention of the Government to their indifference to the claims of Scheduled caste candidates for appointment as Sub-Registrars. Number of Sub-Registrars is being recruited every year; but the candidates of the Scheduled castes do not find place among them. Intermediate standard is the minimum qualification required for the post of Sub-Registrars; but we have seen that even the graduate candidates of the Scheduled castes have often been turned out in the name of efficiency. We are at a loss to ascertain the standard of efficiency. The term "efficiency" is so very vague and has got such a wide meaning that it can be easily applied in all cases according to the sweet will of the nominating or recruiting authority. If the authorities give due consideration to the claims of our candidates with a sympathetic attitude, it will be found that they are not lacking in efficiency and generally are as much qualified as any other candidate. I appeal to the Government to give careful attention and sympathetic consideration to the claims of the Scheduled caste candidates regarding their appointment in the department. With these few words, I commend my motion for the acceptance of the House.

Babu AMULYADHAN RAY: Sir, my first charge against the Hon'ble Minister is that the Government have no definite policy regarding appointments from members of the Scheduled castes to the Registration service. The Government of India have laid down their policy so far as appointments from Scheduled castes are concerned in a circular—which is generally known as the Hallet circular—dated the 4th of July, 1934. This circular was issued over the signature of Mr. M. G. Hallet, the then Home Secretary to the Government of India. Year after year we have been crying hoarse for the redress of our just grievances, but yet the Government of Bengal have not done anything to remove them. Sir, my friend Mr. Bal, who has just spoken, also appealed to Government for sympathetic consideration. I would only

ask the Hon'ble Minister not only to examine our case sympathetically, but fairly and justly. I have every belief that if bare justice is meted out to us, it will not take much time to lay down a definite policy with regard to appointments to the Registration service from the Scheduled castes.

Secondly, Sir, there is the other circular issued by this Government —I think it is dated the 28th of April, 1931—and we have found from bitter experience that even the provisions of that circular in respect of ministerial appointments have not been followed by the Government themselves.

Thirdly, Sir, I would draw the attention of the Hon'ble Minister to the fact that we, the members of the Scheduled castes, are not concerned in any way whatsoever with the question of the appointment of backward classes to public services, but with that of members of the Scheduled castes.

With these few words, Sir, I give my wholehearted support to the motion of Mr. Bal.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I oppose this motion and in doing so I would expect the same treatment as my friend expects from me. I would only want him to be a little fair and just, and if he be so he will have no hesitation in withdrawing this motion. We are playing Hamlet without the Prince of Denmark. There has been no recruitment of Sub-Registrars during the last four years, and in view of that fact how can a charge be levelled against anybody that no recruitment has been made from a particular caste—scheduled or non-scheduled. I quite understand my friends' position, but I would expect a little more constructive help from my friends for the guidance of Government. I have, Sir, listened to the orations of my friends, but I have yet to know what concrete facts they have given. It is no use telling us that there have been no appointments from the Scheduled castes since 1931. It is not possible for any Government to see that circulars are observed unless the people concerned are prepared to come forward before the House and the Minister and to state their case. As to why the circular referred to has not been observed, I might say that our policy is definite, well known, and perfectly understood; and that policy is that in the matter of appointments, subject to certain conditions, all possible considerations should be given to the backward classes, which include the Scheduled castes. But, as I have said, in view of the fact that during the last four years there has been no recruitment, the question why no appointment has been made from the Scheduled castes does not at all arise.

Sir, as regards the question of the ministerial appointments, there is an order, issued in 1931, that the heads of offices should look particularly to the interests of the backward classes—especially in districts

where they form a considerable proportion of the population. Sir, during the last three years many questions on this subject have been put. Can my friends point out a single instance where he wanted facts as to why this circular has not been carried out so far as the Registration Department is concerned. I would ask my friends to come with me to the districts and tell me where the circular has not been followed. Our difficulty is that whatever policy may be laid down or whatever circular may be issued, that policy or that circular has to be administered in so many places and from so many different points of view that it is not possible for any Government to keep a watch over the matter, unless the people who are interested in it are prepared to furnish Government with facts and figures. I only hope that when the next chance comes, if my friends will show me clearly as to where the circular has not been followed, then I shall be quite prepared to meet their requirements. As I have said, Sir, no appointments have been made during the last four years, and further many registration offices have been abolished and many clerks have been discharged in consequence.

Sir, in view of these facts and also in view of my statement that I am quite prepared to meet my friend's demand regarding this circular, I hope that he will withdraw his motion.

Babu Lalit Kumar Bal's motion was then by leave of the Council withdrawn.

Maulvi ABUL QUASEM: I beg to move that the demand of Rs. 18,50,000 under the head "9—Registration" be reduced by Rs. 100.

Sir, my motion has this definite object in view. Muslim marriages and divorces are at present registrable only voluntarily. I desire that in the interest of the people concerned registration should be made compulsory. In the interest of the illiterate peasant women of the province, it has become necessary that their rights should be safeguarded by a proper record for the preservation of which the State is responsible. At present marriages and divorces do take place without any record of either transaction being kept compulsorily under a supervision which is trustworthy. It is known that the spoken word in Islam is as good as the written word. There is no doubt that society has changed since Islam was promulgated, and I believe the spoken word, unless it is properly recorded and thus its proof facilitated, it will have little practical value. In law courts it often happens that it becomes very hard and sometimes impossible to prove a marriage or a divorce. I wish to point out, Sir, that Muslim marriages and divorces do differ very much from marriages and divorces in other communities. Marriage is a pure contract in Islam, and not a sacrament as in Hinduism. A contract of such importance ought to be recorded and the parties concerned should be compelled to have it registered. Islam

does favour the husband more than the wife so far as divorce is concerned. A husband may divorce his wife without assigning any reason. The only check upon a capricious exercise of his right is his liability to pay the dower which was settled at the time of the marriage. But because there is no record, the unfortunate women who are divorced find it very hard to procure the necessary evidence to get a decree for dower in their favour against their husbands. It is the interest of the women who are unreasonably divorced that I desire that registration both of marriages and divorces should be made compulsory. It may be said that public opinion is not yet ready to support this proposal. In this province we do not stand much in need of vocal public opinion. When we see that a certain thing is good and absolutely necessary, we assume that the public opinion would really be in its favour. In the field of personal law, the legislature has already made inroad. Islam allows a minor to be married, but the Sarda Act has made an encroachment upon that right, and here so far as my present proposal goes, it is necessary in the interest of the illiterate and helpless women of the province that their rights should be safeguarded and preserved, and I do think that public opinion ought to rally round in support of this proposal. Oftentimes it happens amongst the lower classes, particularly amongst the Muslims, that the husband in a fit of temper divorces his wife, and then there is a reconciliation. The spoken word is uttered and becomes effective and thereafter the wife—who is no longer a wife—is taken back. If divorces are made compulsorily registrable, people would think twice before they actually exercise their rights. Although there is a tradition of the Prophet that there is nothing worse in the sight of God than divorce, we have got to look at the question from the point of view of ordinary human nature. There may be differences between the husband and the wife and these differences sometimes do deal to the severing of the connection that kept them together. If the husband is to exercise his rights, the wife's rights should also be safeguarded. But as things go on at present, Muslim women, particularly of the lower classes, practically have no rights against their husbands. When a husband conceives a dislike of his wife, he throws her away as a piece of useless rag, and the poor wife has got to seek the help of other people for herself as well as her children. She cannot go to a court of law because of the difficulty in procuring evidence about the amount of dower. The marriage may have taken place a long time ago and witnesses of the marriage may have forgotten all about it. Therefore, I think, Government should seriously consider whether divorces as well as marriages should not be made compulsorily registrable. In Muslim marriages certain conditions are agreed to by the husband which are in favour of the wife. Very often the husband rides roughshod over the wife's rights. If marriages and divorces are recorded, very likely the husband will have a check against the exercise of his right of divorce. It may be asked,

Who will bear the cost? In Muslim marriages the bulk of the cost is borne by the husband. Taking into consideration the fact that the whole thing will be for the benefit of the wife, the cost of registration should also be borne by the husband. So there need be no apprehension on the score of cost. It may be objected that the Muslim community is not yet prepared at least outwardly to accept a proposal like this. As it was deemed desirable that the Muslim community should be compulsorily educated, the Bengal Primary Education Act was enacted, though that was also a taxation measure. I submit that in the interest of the women, this House should consider this proposal sympathetically because it concerns the preservation of the rights of a class of people who are really helpless.

With these words I commend my motion to the acceptance of the House.

Mr. HASHEM ALI KHAN: Sir, I beg to oppose this motion. It is surprising that my friend should have referred to the Sarda Act in this connection. Though it practically interferes with certain rights of the Muhammadans, it does not alter the Muhammadan law. My friend wants to introduce a new law which will greatly interfere with the rights of Muslims. As to the power of divorce, the hon'ble member has said that Islam has made certain special favours to the husbands I do not consider this power of divorce a special favour. It might be a special right but not a special favour. I do not understand how a husband would gain by divorcing his wife time and again. On the other hand, it might be favourable to the wife who can get rid of her husband. The hon'ble member has suggested that any and every divorce should be compulsorily registered. Supposing the House passes a legislation like that, what will be the effect when the husband utters divorce? Will the marriage stand good or can he take the wife back after uttering "divorce" according to Islam even if he does not go to the registration office? Certainly not. I do not know what practical benefit will be gained by this sort of motion. As regards marriages, my friend has referred to the poor Muhammadan people. It is well known that in many cases for want of money poor people cannot give away their children in marriage. If they are to get the marriages registered, they will have to take two witnesses to the registration office, and who will bear the cost? I do not think the husband can pay. At the present moment it is well known that for want of money, grown-up girls and sons not only in the Muhammadan community but also in the Hindu community cannot be married properly. It may be that as a lawyer my friend had difficulties in defending certain cases. But in this case even if we pass a legislation as suggested by my friend, will it mend the character of the husband? Certainly not. It is education and education only which can mend his character. With these words I oppose the motion.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I believe my friend Maulvi Abul Quasem has by this time realised what a dangerous proposition he has laid before the House that the Muslim law should be amended. If he has not done it by this time, then I have got very little to say. My friend has himself realised that the Muhammadan community is not yet ready to accept a proposal like this. My friend has already realised that public opinion will not stand it and yet by putting forward the argument of the Sarda Act in favour of his proposal he thinks that public opinion can be violated with impunity. I think my friend will realise that public opinion or the opinion of a particular community is not such that it can be violated with impunity. After all, Government have a definite responsibility in this matter, and unless it can be shown that the legislation proposed is of such a character that it will directly benefit those in whose interest it is done, it is very difficult for Government to take up a legislation which is only in the interest of a particular community or a particular religion. And much more so when it affects religion itself. It is almost impossible for any Government to take up legislation on this subject unless united opinion demands it. I have not at all been able to understand my friend. Does he mean to say that if marriage is not registered, if divorce is not registered, then that marriage will be a nullity and that divorce should not take effect!

Maulvi ABUL QUASEM: They will be punished.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: My friend says that they will be punished and punished by whom—by the police. I did not know, Sir, that my friend was so anxious to give more powers to the police. My friend Mr. Quasem does not at all like the idea of giving more power to the police.

Maulvi ABUL QUASEM: I never said that, Sir.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I can understand the police taking charge of law and order; I can understand the police interfering with crimes; I can understand the police taking cognisance of social offences but, Sir, it is very difficult for any police to take charge when religious laws are violated. Supposing a man comes and says that he is granted permission by the Islam and the Shariat and that the marriage is permitted; would he be handed over to the mercy of the police if only that marriage is not registered? That is a position, Sir, which Government cannot tolerate. I would rather advise my friend to wait till he comes into power, to pass such a legislation through this Council; and as for myself I do not think that anybody in this House is prepared to come forward and ask for such power. So,

Sir, I very strongly oppose this motion on the ground that the Muhammadan community has not yet expressed its desire to have such a legislation and if my friend brought forward a substantive resolution on this subject and consulted the Muhammadan Anjumans and other representative bodies and it was found that there was a fair unanimity of opinion in this matter then only I would have considered it legitimate on my part to go on with such legislation. As things stand now, Sir, it is impossible for me to participate in any such legislation and far less support it.

Maulvi Abul Quasem's motion was put and lost.

Mr. K. C. RAY CHOWDHURY: Sir, I beg to move that the demand of Rs. 18,50,000 under the head "9—Registration" be reduced by Rs. 100 (the grievances of the ministerial employees of the Registration Department, Bengal).

My motion is almost the same as the motion to which the Hon'ble Minister has already replied a little while ago, and what was the reply that the Hon'ble Minister gave? It was pleaded before him that the conditions under which the poor clerks work, the poor copyists, —leaving the rest of the employees out of consideration—were miserable. He says that on account of financial difficulties his word was "distress"—their grievances could not be looked into. I may tell the hon'ble members that Government servants are not to be treated as ordinary employees; their services are not to be treated as pieces of merchandise simply. I may also tell you that Government servants are the same all over the world and their services are not to be measured merely by their market values. They are employed and paid unlike in mercantile service, irrespective of surplus revenue from particular departments. May I remind you of the case of the employees of the Eastern Bengal Railway which is a State Railway and they are servants of the State; the Hon'ble Minister was a member of the Advisory Board of the Eastern Bengal Railway and if he had read the administration report of that railway carefully he would have found that that railway was not a paying line, but that does not in any way affect the salaries and wages of the employees of that system, which connects provinces and which also serves a military purpose? Sir, I might point out that even in the case of private employers, take for instance employment under Mr. Lamb, an hon'ble member of this House representing the Bengal Chamber of Commerce, employment in tea gardens or mills under his firm, if it is found that their gardens or mills are not paying do they at once decide or are they apt to decide to reduce the wages of their employees in such a way as to make it practically most difficult for the poor wage-earners in the tea gardens, or jute mills or sugar concerns to live with even a minimum standard of comfort? No, Sir, I do not think they do so even in many of the public utility companies,

which are run at a loss. And I wish the Hon'ble Minister had made some enquiries of the Accountant-General, Bengal, who objected to payment to people who took casual leave and therefore could not make up their arrears of work? Sir, if I were in his position I would have fought with the Accountant-General and even gone to the length of writing to the Government of India, and pointed out that it was something quite new in the domain of employment when people who were granted casual leave had had to come back in order to make up their arrears of work in addition to their normal day's work. If such things were published and broadcasted it would make the position of the Hon'ble Minister very insecure indeed, so far as my motion is concerned. I need not go into any more details of the grievances of the mufassal employees except to say that the clerks in the registry offices in mufassal begin to work from 11 a.m. to 9 p.m. and Sir, what are the duties of these clerks? Apart from their normal duties, namely, copying and comparing, etc., they have to do a new special and additional duty under the Bengal Tenancy Act for which, however, they are not paid a single extra pice, although Government makes money from that department as well. Then, Sir, I know from my own experience something of the working of a registry office in the Satkhira subdivision where people have to walk miles to come to the registry office and sometimes have to travel long distances in rivers by boats. They leave home for office before 9 a.m. and reach home after 11 p.m. and this is the normal condition also in many village offices that I have known of and heard of. Why should not Government try to provide some kind of housing —a cheap type of house—for these men and for that even deduct a rupee or two out of their wages. What about Kakdip in the Sunderbans where I know there is a registry office and which I also know is not far from places infested by tigers on one side and the wide wide ocean on the other; even there no housing is provided for these men working in jungles. Of course I do not know what is done about the Registrar's house. It is time, Sir, that the Hon'ble Minister apart from his multifarious duties in the Education Department, which no doubt is a big concern, should also look to what is happening in the Registration Department. The time has come when Government as well as private employers have got to look into the welfare of their employees and not simply quote financial difficulties as prohibiting Government or others from looking into the housing condition of their employees. If you raise the pay of these poor clerks—I understand their pay is Rs. 30 to 35 and Rs. 30 to 40—these are the two grades in the mufassal for working from 9 a.m. to 11 p.m.—it will be doing immense good to them. By providing such houses you are only spending the taxpayers' money for the benefit of the poorer taxpayers. It is not a question of spending shareholders' money as in the case of a commercial concern, that it need trouble you at all. The taxpayers can bear burdens for

housing of the poor clerical staff. Do you not know that there are hundreds of post offices, steamer stations and railway stations which do not pay on their individual working, but that they subsist on the earnings of the concern as a whole? So Government should look to these difficulties of the ill-paid clerks even if their particular offices where they are employed are not paying. The Registration Department is not paying, but is your Education Department paying? But do you expend less on that Department on that account? Because there the big University guns boom in this Council and you cannot very well silence them as you can the representatives in this Council of the poor clerks of the Registration Department competent to speak on their behalf.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, Mr. Ray Chowdhury never met me in connection with the grievances of the Registration Department.

Mr. K. C. RAY CHOWDHURY: In conclusion I appeal to the Hon'ble Minister once more to enable these ill-fed clerks to earn a decent living, and this will pay Government in the long run by their efficient service.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

Mr. P. N. GUHA: Mr. President, Sir, I rise to support the motion put forward by my friend Mr. K. C. Ray Chowdhury and that for the reason that whatever may be the position of a man in after-life, he cannot forget his first love. Sir, it may be news to almost every member of the House yet it is a fact that I began my life as a poor clerk in the Registration Office at Barisal. I was the Record-Keeper there and most valuable records were in my charge, but I used to receive the magnificent salary of Rs. 20 a month. I have personal experience of the woes and miseries of the poor clerks of the Registry Offices. Sir, I am glad to hear from Mr. Chowdhury that the scale of pay of the clerks has now been raised to Rs. 30 a month. In my time it was Rs. 15 to Rs. 25. I was there only for 7 months and I saw how the poor clerks had to toil from 11 a.m. to 9 p.m. every day. We had to copy and compare and we had to attend the *ijlas* of the Sub-Registrar during the process of the registration of documents and not unoften as Peshkars when appeals were heard. The building in which I worked was nothing more or less than a pigeon-hole. I am relieved to hear that the house is being renovated. I do not know, Sir, if the clerks of any other department under the Government have to work so hard with so little pay. In those days the Sub-Registrars used to be paid by commission but the clerks had their pay fixed at Rs. 15 to Rs. 25. It is true that the scale has gone up to some extent

but it must not be forgotten that the expenses of the people have also gone up. It is therefore not possible that any self-respecting man will be found to do such hard work at the pay offered. I am sorry that the Government does not see its way to pay more attention to the poorly paid clerks of the Registration Department.

Sir, Mr. Dilwar Hossain, Khan Bahadur, who was the first Indian Inspector-General of Registration after Mr. Holmwood (afterwards Mr. Justice Holmwood) tried his best to improve the lot of the poorly-paid clerks of the Registration Department but he did not receive much encouragement from the Government. I have just now been told by the Hon'ble Minister that there is a good surplus in the department, why then not look to the poor clerks? Sir, if I remember rightly a committee composed of the late Rai Bahadur Mahendra Chandra Mitter of Hooghly and some other members of the then Legislative Council were appointed to find out what should be the suitable remuneration for clerks. The Committee recommended that no lower salary than Rs. 40 should be paid to any clerk. This should have been accepted. Then, Sir, the Registration Offices are often situated in out-of-the-way places where the Sub-Registrars are provided with quarters but the poor clerks have to walk a long distance. That is a matter which should be looked into. I hope and trust that the Hon'ble Minister who has a kind heart will do something at once to redress the grievances of these poorly-paid and yet very hard-worked servants of the State.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, there are certain matters with which I shall deal before I deal with the matter mentioned by Mr. K. C. Ray Chowdhury. As regards pay, there seems to be an impression all round that the pay in the Registration Department, so far as the ministerial officers are concerned, is only Rs. 20 or Rs. 25. It is not so. In the headquarters of the district the head clerk's pay is Rs. 60 to Rs. 80, other clerks get Rs. 40 to Rs. 60 and the *Mohurrirs* get Rs. 30 to Rs. 40, and in the rural sub-registration offices the clerks get Rs. 25 to Rs. 35. The ministerial officers in Calcutta, Howrah, 24-Parganas and Darjeeling get special rates of pay owing to high cost of living in those places. My point is that these scales were laid down at the time when the revision of the pay of the different services was reorganised. I do, however, realise that the conditions of service of some of these people are really such as my friend, the mover, has depicted. In some cases they have to live in quarters which are not comfortable and away from human habitation. I do feel it; but all I plead for is that in view of the fact that receipts from registration have been going down and down, that just at the moment when it is showing some signs of improvement, would it be proper for us to take up this matter? Another question, Sir, which has been raised is that these clerks have to work from 11 a.m. to 9 p.m.

I do not know in what offices the clerks have to work so many hours. But I can assure the members that if the normal roster of duty which is imposed upon a clerk and which in spite of his diligence he cannot finish except working till 9 p.m., I would certainly be prepared to consider the matter. If a clerk who cannot work with sufficient speed or a clerk who begins his work at 3 o'clock after moving about in the morning, there is no alternative for him but to work till later hours in order to finish his normal work. If my friend, Mr. K. C. Ray Chowdhury, would take an interest and look into the conditions of the Registration Department employees, and would tell me that it is not possible for an ordinary diligent man to finish his work after honestly working from 11 a.m. to 5 p.m. I shall certainly consider the matter.

Sir, there are other facts mentioned by the mover of the motion, namely, the question of housing accommodation. Well, Government have certain schemes for better housing accommodation ready but owing to financial reasons they cannot take them up; it is not because that Government do not realise the difficulty to which the Sub-Registrars are put for want of proper housing accommodation. Even this year one or two schemes have been taken up, as they were of such an urgent nature that we could not avoid them. In view of that, I hope my friend will not charge me of being apathetic and say that I have no sympathy in regard to the employees of the Registration Department. There is one point in which Mr. K. C. Ray Chowdhury has misunderstood me. I never said that the Accountant-General passed a rule that if a man takes casual leave and if he does not finish his work before he goes on leave, his pay would be reduced. Well, nothing of the sort. All I said is that the Accountant-General pointed out that ordinarily a man going on casual leave is expected to finish his ordinary current work on return from the casual leave. The two days' accumulation during which he was on leave will have to be finished on his return from leave in addition to his current work according to the exigencies of his work. This rule however is not at all rigidly followed. On the other hand, all facilities are given him to finish his arrears.

As I have already stated, the McAlpin Committee of which the late Rai Bahadur Mahendra Ch. Mitra was a member settled upon these scales after taking into consideration the nature and amount of the work of the department. If the member or anybody questions the suitability of the scale, he will have to prove it by facts and figures and we will be prepared to revise the whole thing. As regards the points of my friend that the Railways and Post Offices are not remunerative in this country, I may say that these are subjects of high imperial politics, and we in the Government of Bengal are not concerned with them. On the other hand, we are only concerned here with providing proper housing accommodation for the Registration Department officers. As I have said, that though the pay in certain services was fixed some years ago

and though the prices of commodities have now fallen appreciably, it has remained the same and we have not reduced it. I do not know what Mr. K. C. Ray Chowdhury was referring to about Mr. Lamb's case. In case of some of the companies they have not discharged the men and even when discharged they have been absorbed in the vacancies, and thus no hardships were caused to them. All that has been done last time regarding retrenchment is that there has been no recruitment. The reason is that we did not want to inconvenience anybody and no new men were taken in the place of those who retired; in view of these facts and in view of the explanation given by me, I hope my friend will be good enough to see that so far as the grievances of the ministerial services of the Registration Department are concerned, Government is fully aware of the actual position but is unable to meet the situation on account of the financial stringency. As regards the other matter, namely, working till late hours, I am prepared to consider the matter if facts and figures are given.

In view of the explanation given, I hope the hon'ble mover will see his way to withdraw the motion.

Mr. K. C. Ray Chowdhury's motion was then, by leave of the House, withdrawn.

The original motion of the Hon'ble Khan Bahadur M. Azizul Haque was then put and agreed to.

9A—Scheduled taxes.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 5,000 be granted for expenditure under the head "9A—Scheduled taxes."

MOTIONS FOR REDUCTION OR REFUSAL.

Rai Bahadur JOCESH CHANDRA SEN: Mr. President, Sir, I beg to move that the demand of Rs. 5,000 under the head "9A—Scheduled Taxes" be reduced by Rs. 100 (raising betting tax and prohibiting betting).

Sir, the legalized gambling that is going on under our very nose in the race-courses of Calcutta, Tollygunge, Dacca, Darjeeling, and other places is the cause of ruin of thousands of families. It must be very well known to members of this House that the gentlemen who indulge in gambling always take up the plea that they are only lovers of sport and not gamblers. This vice of gambing on the race-courses is spreading so rapidly that it is eating into the vitals of the people; they sell their properties, they borrow, and even go so far as to

appropriate the ornaments, etc., of their wives, so that they might indulge in this vicious "sport." This is, in fact, a veritable source of much misery to the middle-class gentry of this province. Sir, my request to the Hon'ble Member in charge of this subject is that this form of gambling masquerading under the name of "sport" may be stopped forthwith, or, in the alternative, if that is not possible, to raise the betting tax to such a limit as would debar the middle and poorer classes of people from resorting to gambling of this sort. If the latter course is adopted, it is sure to bring in more revenue to the coffers of Government and at the same time save the middle and poorer classes from ruination. Surely, Sir, here is a chance—I might say a golden opportunity—of increasing the revenues of Government, which always complain of penury when anything for the good of the people is brought forward. If the Hon'ble Member would bring in a Bill on the lines I have indicated, I am sure that he will have the whole-hearted support of this House.

With these few words, Sir, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Mr. Banerji, will you move your motion now?

Mr. P. BANERJI: Yes, Sir.

Sir, I beg to move that the remand of Rs. 5,000 under the head "9A—Scheduled taxes (Reserved)" be reduced by Rs. 100 (to criticise the policy of the Government in respect of State lotteries and betting).

Sir, I consider that this sum of Rs. 5,000 should not be given by Government to the Turf Club for the simple reason that Government will thereby be clearing a sum of Rs. 8,25,000 by way of betting taxes.

Sir, you are aware that whenever I have moved resolutions or introduced Bills in this House for starting State lotteries, Government have always pleaded that State lotteries could not be allowed—or even encouraged—and have opposed my proposals. When I moved another motion for increasing the betting income to help the bankrupt Government, i.e., by introducing dog-racing, Government said that it could not be done. Sir, I fail to understand the policy of Government—they want to encourage gambling in the form of horse-racing and pocket the income therefrom, while they want to discourage State lotteries which are likely to bring in more revenues from increased betting. Why do they want to raise funds from betting on the race-courses alone? Is it because that these races are managed by a privileged class? I have no hesitation in saying that by far the largest number of this privileged class are either high Government officials or their relations.

Mr. PRESIDENT: Order, order. This is objectionable, and I must ask you to withdraw these remarks.

Mr. P. BANERJI: Sir, I withdraw them. Therefore, the Government——

The Hon'ble Sir JOHN WOODHEAD: Sir, I object to the words "the Government."

Mr. P. BANERJI: Sir, whatever may be objected to, I must withdraw. I accordingly withdraw my remarks. (Laughter.)

Sir, I will give you definite instances how betting is going on—not legalised betting—and although the betting which used to go on in carnivals had been stopped, betting goes on in the Cheap Theatre in Dharamtola Street and behind it for the simple reason that two police constables are sitting at the gate. That is the position. Recently, when I pointed out this matter, the Hon'ble Mr. Reid stated that Government did allow private lotteries run by recognised or respectable clubs. If Government believe that lotteries can be run by private parties, I fail to understand the reason why Government should not start State lotteries of their own. I should like now to hear what the Hon'ble Mr. Reid has to say in reply.

The Hon'ble Mr. R. N. REID: Sir, I am in a difficulty in replying to Mr. Banerji because I found it rather difficult to follow what he was really driving at. As far as I could make out, he is anxious that we should have State lotteries because I said on behalf of Government that we regarded private lotteries, properly run, as things which are not particularly objectionable and as things which it is not advisable for Government to stop—provided they are properly run and provided they are not on a big scale and do not open the door to fraud. That is what I said. I did not say merely that Government approved of private lotteries because they were run by respectable people: there is a great deal more to it than that. In any case, Sir, I would remind the House that on the 21st of February last year, I think it was, Mr. Banerji said that horse-racing was the worst form of gambling in the whole world. Here, he is recommending to this House that not only gambling by the public at large should be tolerated but that the *cachet* of Government approval be given by instituting State lotteries.

Then, Sir, with regard to the Rai Bahadur's arguments, I think there is some inconsistency in them. He said that we should either

stop gambling altogether or else increase the betting tax to such an extent that there would be no gambling at all. At the same time he indicated that if we raised the tax, we would get a great deal of money by way of Government revenue. In other words, he wished us to raise the tax to fill the coffers of Government. That would mean that we should kill the goose that lays the golden eggs. I do not think that his suggestions help us very far.

As I have said many times before, the gambling spirit always lurks in the human breast: you cannot eradicate it. If you do not frankly recognize that fact and if you do not take steps to control it in a reasonable manner, then it will be driven underground and you will have more and more of these unauthorized, fraudulent and dangerous small betting establishments all over the province——.

(At this stage the time allotted for the discussion of this subject was reached.)

The following motions were then put and lost:—

Rai Bahadur JOGESH CHANDRA SEN: That the demand of Rs. 5,000 under the head "9A—Scheduled taxes" be reduced by Rs. 100 (raising betting tax and prohibiting betting).

Mr. P. BANERJI: That the demand of Rs. 5,000 under the head "9A—Scheduled taxes (Reserved)" be reduced by Rs. 100 (to criticise the policy of the Government in respect of State lotteries and betting).

The Hon'ble Sir John Woodhead's original motion that a sum of Rs. 5,000 be granted for expenditure under the head "9A—Scheduled taxes" was put and agreed to.

XIII, 15, 15(1), 16, and 55—Irrigation.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, on the recommendation of his Excellency the Governor, I beg to move that a sum of Rs. 26,10,000 be granted for expenditure under the head "XIII—Irrigation—Working expenses," "15—Other revenue expenditure financed from ordinary revenue," "15(*1*)—Other revenue expenditure financed from famine relief grant," "16—Construction of irrigation works" and "55—Construction of irrigation works not charged to revenue."

MOTIONS FOR REDUCTION.

Maulvi SYED MAJID BAKSH: Sir, once again, during this customary Budget discussion, I beg to move that the demand of Rs. 10,573

under the head "XIII—Irrigation working expenses—A—Irrigation—Extension and improvement" be reduced by Rs. 100 (for not writing to the railway authorities to undertake canalisation of the Mathabhanga and grant for it to the Irrigation Department in the interest of the Hardinge Bridge).

Sir, I think the subject is now fairly well known to the public, because previous to this I had occasion to ventilate this matter through the public press and had to approach the Irrigation Department for considering this subject. Therefore, Sir, it is not for the first time that I am referring this subject. It is an echo of the cry which has been raised—it may not be in this Council but outside it—for not less than 40 years. This is a subject to which attention has lately been drawn by the fact that Government have found that by neglecting this particular subject the productivity and the wealth of the country are dwindling and diminishing and as a result of that the coffers of Government are suffering. They have found at a very late stage that the neglect of the areas to which I am going to refer—which were once a very flourishing part of the country and which contributed not a little to the wealth of the country—have become decadent, as a result of which Government are going to lose their revenue to an extent which they did not calculate before. The question of the care of the dead rivers was raised by an eminent man of my district, the late Rai Bahadur Jadunath Mazumdar. He toiled and toiled hard but unfortunately could not succeed in drawing the attention of the Government. Now that this neglect is having a very calamitous effect upon the Government, the attention of Government has been drawn to it. In moving this motion I would like to point out to the Irrigation Department that I have at last been able to show a way out of the tangle. Hitherto the cry of the Irrigation Department was shortage of funds. Such big projects like the canalisation of the Mathabhanga cannot be undertaken except for an expenditure of a huge sum of money, and Government were not in a position to find that sum. I shall be able to demonstrate before you in this House that fortunately our interest has coincided with the interest of those who are at present opulent, I mean the Railway Department. I pointed out last month that the Hardinge Bridge which cost about 12 crores of rupees was in danger: the Ganges was about to find out a different course leaving the bridge high and dry. This was evidenced last year and the effect was not at that time perceived. When the Hardinge Bridge was constructed, the engineers left no stone unturned to provide for the safety of the bridge. They did not calculate that after some time a situation might arise which would disprove all calculations hitherto made and confront them with a problem which they would not be able to solve. At last that situation has arisen. As regards the river system of Mathabhanga, I have got this map prepared for me: I am sorry that I cannot circulate this

to the members as this is the only copy that I have got; however, I can show it to you all and I think this map is the first of its kind. I do not think the Irrigation Department possesses a map like this. I can explain to you that in this map you will find that the E. B. Railway line runs parallel to the Mathabhanga and right across the canals and rivers of Nadia and Jessore. You will find that without calculating the consequences and keeping only in view the temporary advantages that will be achieved the railway line from Calcutta to Poradaha runs across the bed of the Bhairab, the Kapotakshi, the Chitra, the Nabaganga and many other rivers which rise from the Mathabhanga. You will find that hitherto there was a great sand bank at the mouth of the Mathabhanga. That was washed away by the flood that occurred last year, which was the heaviest flood for many years. This sand bank was washed away by an act of nature. When I came to this Council for the first time, I moved for a grant of Rs. 25 lakhs for the Bhairab which was passed by the Council. At that time the Chief Engineer, Mr. Addams-Williams told me that the removal of the sand bank would require a large sum which would not be available. You will now find that that objection and obstacle has been dealt with by the hand of Providence. Next year I believe with the sand bank not existing, the Ganges flood water will enter Mathabhanga to a certain extent with great force. You will find that near about the Hardinge Bridge there is a great loop formed of the Ganges and as a result of the washing away of the sand bank the loop has been increasing and that this flood water rushing at a high velocity and impinging with enormous force at the mouth of the Mathabhanga at Dewanganj will assume such a great force that it will cut across the outlets and wash away the entire land from Dewanganj to that portion of the Hardinge Bridge which is on this side of the Ganges. Therefore, it is in the interest of the railway authorities that some way should be found out to deal with the excess water of the Ganges on the upper side of the Hardinge Bridge. If the Government now points out to the railway authorities that the best way of protecting the Hardinge Bridge is to canalise the Mathabhanga and that this will save the Hardinge Bridge, there is no reason why they should not pay. They have budgeted a sum, I believe, of seventy-eight lakhs of rupees for it. If we can successfully point out to the railway authorities that throwing lakhs and lakhs of rupees worth of stone into the Ganges will be of no effect, the Ganges being a river which is very untrustworthy, there is no reason why they should not agree with us. If they throw stones and boulders into the river for the protection of the Hardinge Bridge, the Ganges will certainly find its way. The land is so very susceptible to the inroads of the Ganges that throwing stones into the river for the protection of the bridge will not save the situation. The best way of protecting the bridge is to let in excess flood water through the Mathabhanga and to draw the water away and canalise the dead and

dying rivers in the districts of Nadia and Jessore. The pressure of the flood water being removed, the bridge will be saved. If a force impinges against the surface, there is always an action and a reaction. When as a result of action and reaction there is a balancing condition at the banks, whatever little quantity of water is removed the reaction of the bank will certainly steadily rise to a great extent and therefore the stability of the bank is ensured. I hope the engineers of the Irrigation Department will pay attention to it. Sir, I wrote an article in the newspapers on the subjejct, which, with your permission, I distributed to the members of this House. Mr. Curry has made certain criticisms of it, and I am glad that he has agreed with me on every point. I should like to read out to you certain passages from his criticisms which appear on page 16 of this leaflet. It reads thus:—

"Regarding the remarks about the effect of the removal of the sand bank at Kalidaskhali, for the safety of the Hardinge Bridge and its training works, it is pointed out that the training works provide for an alteration in the direction of the approach of the river to the bridge Thus, the railway Engineers are ready to extend the training work at Raita, in order to meet a development in the curvature of the river, up-streams of Raita. Again, it is pointed out that the Hardinge Bridge is capable of passing 2,500,000 cusecs of water. The normal flood discharge of the river there is something in the region of 1,600,000 cusecs. The flood discharge of the Mathabhanga river, in recent years, has been about 37,000 cusecs. If an additional 10,000 cusecs is passed down the Mathabhanga river as a result of the developments at its mouth, the effect on the flood discharge of the Ganges river (viz., 1,600,000 cusecs—10,000 cusecs) will not be great. Nevertheless, the writer is quite correct in pointing out that some changes will be felt during the next flood season, but we can rely on the railway authorities being prepared to meet such changes. I feel doubtful whether the railway administration will agree to the contribution of Rs. 1,600,000 towards the Joynagore Cut and the Bhairab Scheme II. If, however, the Bengal Government approach the Railway Board with a concrete scheme for improving the Mathabhanga, Jalangi and Bhagirathi systems, which will have the effect of largely reducing the discharge in the Ganges river, the Board might offer a contribution towards the scheme, but, of course, I am not in a position to express definite opinion upon the policy of the Board."

But he is of opinion that the Railway Board will do it, and it is right that the Government of Bengal should approach the Railway Board to make a contribution towards the scheme. As regards the remark of the Chief Engineer about the 10,000 cusecs, of course it is a technical matter and I am sorry that I have to enter into these technicalities. However, I do not entirely agree with him. There

is an engineer of the department in this House who I think will agree with me when I say that the sand bank at Kalidaskhali was 6 miles long and half a mile broad. After the removal of this 3 square miles of sand bank, can you actually calculate the amount of water that will enter into the river? I think a considerably greater volume of excess water than 10,000 cusecs will enter into the river, and what will be the effect? The effect will be that the pressure will be double. If you reduce the action, the reaction will be double, and I hope I shall be able to convince the engineer of the department, who is a member of this House, about the point. You have not yet seen the effect of this year's flood. Then, how can you say 10,000 cusecs? With the removal of the 3 square miles of sand bank it will be much more and the effect on the Hardinge Bridge will be considerably greater. If you undertake the work this year, the removal of the danger to the Hardinge Bridge will be substantially effective, and I do not know why the railway authorities who are very eager to protect the bridge should not agree to it. I believe in the natural method: I believe in the natural method of protection, Sir, and I do not believe in stone-throwing and this I am quoting from the words of the railway engineer to whom I had an occasion to go. He told me that he did not know what would be done for the time being; at any rate he did not believe in stone-throwing and that is his language. What was the nature of the protective work at Raita? It was simply stone-throwing. If you want to protect your bridge for a long time you must have recourse to the natural method. It is the unnatural method that has brought you all this trouble. Government placed the railways across the rivers of Bengal and have thereby depopulated the villages, rendered them unproductive and brought in malaria, so that by these unnatural methods Government have killed the rivers of Bengal and that is why I ask them now to revert to the natural method and having once decided upon it to persist in it. I do not know, Sir, why the railway engineers will not agree to it when their interests and our interests are the same. I am not asking for any benevolence from them. I am not asking them to undertake my scheme as a part of benevolent action but, I may point out to them, on the ground of common interests. I think that if the Irrigation Department writes to them seriously, I do not believe that they will not listen to it seriously. As a result of laying down railways parallel to the Mathabhanga, I believe the railway administration has done us a great wrong, and it will be only doing justice to us if they right this wrong; if they decide to help us it will be meet and proper for them to do so and they are morally bound to help us in this respect because they have killed the entire population of a portion of Bengal, depopulated them and have killed our rivers. You can see, Sir, what a large number of rivers there were in the district of Jessore. I have been there myself and have seen with my own eyes that these

rivers are now all dead. There were at one time flourishing towns and cities, markets and marts, on their banks but now they are all depopulated and dead. The areas were so much healthy at that time that I can say that they even attracted settlers from England to build *kutis* there, some of which still exist to-day—I mean the *kutis* of the indigo planters, which *kutis* are now all desolate. The last person to move from these *kutis* was Mrs. Monnier, finding that she was left all alone, that the whole country was depopulated by malaria and there was no one to attend on her, she left that *kuti* for good; that *kuti* still exists but jackals, and other beasts of prey are now prowling about there. Sir, it is a heart-rending sight to see them reduced to such a desert; it is really very painful for any one to go and see how people have been killed like flies and how malaria has ravaged the countryside. The criminal neglect of Government, the selfish interest of the railway authorities, blind and unintelligent interest of the railway authorities, have killed this fair tract of land and I do not know how these rivers can be revived. Of course there is a scheme for reviving these rivers, but I do not know whether I shall be able to bring my facts and figures to bear upon the authorities and I hope that if the scheme is judiciously dealt with there may be real chance of our being successful. I do not know, Sir, whether the sort of irrigation that will be undertaken has already been decided upon. Sir, irrigation was an ancient science; it was prevalent in Egypt and Babylon; in Egypt it was done by Menes and in Babylon perhaps by King Merodach and the kings of Bengal also did it. Evidence is there and so many rivers supply this evidence. In saying this I rely upon the views of an eminent authority, namely, the late Sir William Willcocks, who said that these were the works of engineering; they were not exactly rivers but canals and these canals were dug by men in order to imporve the country. The country was then flourishing and happy and healthy. If they were canals and if you now undertake their canalisation the country will still be happy once more, but you are not doing so and you are depending on following a particular form of irrigation that is independent of the condition of the country. In Egypt there was basin irrigation; in Babylon there was a perennial form of irrigation. I do not know what sort of irrigation the Bengal Development Bill will prescribe for us, although I think that flood irrigation is the best for us because that is best suited to the conditions of Bengal and if that is done it will be good for us. I personally collected large materials about this and I do not know whether they will be of any use to me because I do not know what shall I do with them, but if I get an opportunity of placing before the department my views I think I may be able to convert them to my view, because I do not know whether they have any comprehensive idea of the whole scheme. Of course it is not my province now to criticise the Bengal Development Bill, but on the subject of taxation proposals visualised in that Bill, I am inclined to point out another instance in

which such taxation proposals are mooted, and that was the development of certain tracts in Orissa of which Sir William Willcocks said that it was difficult to collect the tax in that way and that unless properly and judiciously done, it would not fulfil its purpose. "You cannot, as they tried in Orissa, go about every year in the rice fields deciding which field received only flood water, which half flood and half rain, and which received only rain water." That is what he said in this connection. How will you be believed if you say that this land has been enriched by flood water or how can you say that it is not equally enriched by rain water? It is a somewhat difficult problem unless of course the Bill is shaped in a very different way so as to be workable. So far as I am concerned I find that there is a very great difficulty as it appears to me in the Bill and I do not know whether it will emerge from the Select Committee in a workable form.

Sir, I shall conclude my remarks by quoting another paragraph, namely, the last paragraph from Sir William Willcocks' book:—

"To restore to working order its system of canals which can be everywhere traced on the ground, one by one, Bengal can fairly claim that help which it has hitherto given to the rest of India."

Sir, Bengal has hitherto helped the rest of India. We have argued about the inequity of the Meston Award which also may be said to have helped the rest of India at the cost of Bengal, and Bengal is to-day in this position because India has refused to help us and that is why she is to-day starving. Sir, if we find that the earning member of a family is dying you will, if you are wise, try to revive that member and make him healthy so that it can earn for you again. If you neglect that you will have to take the consequences. Therefore I ask the Irirgation Department of India and the railway authorities to help us in the matter, because in this matter fortunately their interests and our interests coincide. I may again read, Sir, from Sir William Willcocks' book:—

"To restore to working order its system of canals which can be everywhere traced on the ground, one by one, Bengal can fairly claim that help which it has hitherto given to the rest of India. The total area to be irrigated and already levelled for this purpose in Central and Western Bengal exceeds 10,000,000 acres, of which over 6,000,000 acres are in Central Bengal and under 4,000,000 acres are in Western Bengal. It has every claim to the whole of the jute export duty. The export jute tax represents capital for jute which is a very fatiguing crop and the duty on it should remain in Bengal."

He said this about the jute duty long ago. He described jute as a fatiguing crop and therefore expressed the opinion that it should remain in Bengal, but he did not dilate upon that question. So far

as my proposal is concerned, Sir, I think I may say that I am not asking too much from the Irrigation Department as I am merely pointing out what is the problem and how Government can help us. If you want to protect that big bridge of yours the railway must come forward and accept the proposal to form a committee consisting of officers of the Irrigation Department and others, and let the committee devise a scheme by which the process of letting out flood water from the Mathabanga can be revived, and the bridge will be safe for all time.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I rise to give my whole-hearted support to the motion moved by my friend Maulvi Syed Majid Baksh. Sir, as an inhabitant of Nadia and Jessore I must say that this question of irrigation in Western and Central Bengal is of absolutely vital importance to me and my constituency. Sir, before speaking on the motion itself I must voice my sense of disappointment that the Hon'ble Member has not thought fit to follow the procedure of his predecessor and to give this House some idea of what the Department has done during the last year and what it proposes to do next year, but I suppose that this reticence is due to the fact that the Hon'ble Member does not propose to do anything next year! He is perhaps content to rest on his laurels in getting the Development Bill passed in the Council, if possible. After that Bengal and its Irrigation Department can very well look after themselves and the Hon'ble Member will be busy in looking after other matters, matters nearer home, that is.

Sir, speaking on the motion for the grant to the Irrigation Department last year the then Hon'ble Member was pleased to say that they were marking time and the fact that they were simply marking time was apparent from the fact that for that year, that is the current year, the budget was about Rs. 4,50,000 less than the budget for the previous year. I find Sir, that this year the budget is even less, lesser by Rs. 4,20,000. That shows that the Irrigation Department under the present Hon'ble Member is going to be even more stagnant than it has been in the past. Sir, how stagnant it has been was made quite clear the other day, on the 13th March, in an answer to a Starred Question by my esteemed friend, Babu Kishori Mohan Chaudhuri. The Hon'ble Finance Member gave a statement of the amount spent by Government in opening out irrigation canals, and in resuscitating dead rivers during the last 14 years. Sir, I do not know if any member of this House or any person outside in this doomed area, viz., western and central Bengal, took notice of the fact that in opening out irrigation canals Government had spent more than a crore of rupees since 1920-21, that is to say, it meant that they opened out the Damodar Canal,

but in resuscitating the dead rivers the entire expenditure of Government for 14 years was about Rs. 18,73,000 that is, a magnificent sum of Rs. 1,33,000 a year.

Sir, I submit that nothing more callous can be imagined. The resuscitation of dead and dying rivers is a problem that is of vital importance to the Bengalees and one which I should have thought it would be one of the first duties of Government to take up. In fact His Excellency the Governor of Bengal in one of his earlier speeches referred to this and I may take it that it is due to his goading that the Bengal Development Bill saw its light in this Council but on account of the department it comes from, it comes in such a questionable shape, that it is very difficult for the Council to accept it. The policy of the Irrigation Department has been to keep *choop*, and not to do anything so far as the dead and dying rivers are concerned, and that policy is going to be more forcibly impressed upon this House during the next financial year. I have been trying and have been spending some time to find out from the budget whether the Government propose to spend any sum, and if so, what sum, in resuscitating the dead and dying rivers during the next financial year. I must say that I have failed in my attempt. I shall wait for a statement from the Hon'ble Member to say what steps in addition to getting the Bengal Legislative Council to pass the Development Bill the Hon'ble Member is going to take to resuscitate the dead and dying rivers of Bengal. It is no use being in charge of a Department simply for the sake of the Department being in charge of him. I submit, Sir, that the Hon'ble Member had better now not think of his past love, the Education Department, but had better think of the Irrigation Department and pay better and greater attention to it. The Irrigation Department, as I have said, is of vital importance to two-thirds of the people of Bengal. It may not be of so much importance to the people of Dacca and Mymensingh, but certainly for those of the Burdwan, Presidency and the Rajshahi Divisions, it is of very great importance. I submit, Sir, the scheme for the canalisation of the Mathabhanga is, as has been pointed out so cogently by the mover of this motion, of very great importance and the neglect to which this part of the country has been subjected for a very long time ought to be removed, and more attention ought to be paid to the problem of the canalisation of the Mathabhanga and the improvement of the Nadia rivers. Mr. Majid Baksh has pointed out that if the canalisation of the Mathabhanga is taken up it will solve the great problem of the Hardinge Bridge. We all know that it was in danger last year and that the Government of India and the Railway Board are willing to spend any amount of money to save it. Well, if by the canalisation of the Mathabhanga the Hardinge Bridge can be saved, I think the Railway Board will be glad to subscribe towards it. I think the Government of Bengal are lathargic in this respect. If they do not want that

the Mathabhanga should be canalised, they will not approach the Railway Board and will not tell them what advantages they will derive from the canalisation of the Mathabhanga. I submit, Sir, that it is a modest request that Mr. Majid Baksh has made and I hope the Hon'ble Member will accept it.

Dr. NARESH CHANDRA SEN GUPTA: My friend Mr. Narendra Kumar Basu has been at pains to find out what the Hon'ble Member in charge of the Irrigation Department proposes to do in regard to dead and dying rivers of Bengal next year; but he has apparently forgotten that the Hon'ble Member has said that the Irrigation Department will now go to sleep until the Development Bill is passed. It will then be time for him to prepare projects on the strength of the levy to be raised. But notwithstanding that, I may mention to the Hon'ble Member that Providence has in this particular case, without waiting for his Development Bill, without waiting for a levy on the people, come to the aid of the people by washing the sand bank across the Mathabhanga. A great opportunity has now arisen and this is just the time when the question of regulating the flow of water along the Mathabhanga, the Bhagirathi and Jalangi and other rivers could be tackled with the least expenditure, and as Mr. Majid Baksh has pointed out, and I hope he has earned the gratitude of every member of this House for this, that this is not only a project which by helping the hands of Providence will do a great deal of benefit to the people of the districts of the Presidency Division, but will also incidentally enable the Government of India to solve the problem of the Hardinge Bridge. In a pamphlet which has been circulated by Mr. Majid Baksh I find a criticism of his proposal by the Chief Engineer of the Irrigation Department. He does not think that the flood discharge of the Mathabhanga river will adequately relieve the pressure so far as the Hardinge Bridge is concerned. But at the same time he says "if however the Bengal Government approach the Railway Board with a concrete scheme for improving the Mathabhanga, the Jalangi and the Bhagirathi system" it will have the effect of reducing the discharge. The Board could also be induced to offer a contribution to the scheme. Here is a definite suggestion made by a responsible officer of Government and I would ask the Government to take it up immediately and speed it up with all possible expedition. The question of the distribution of water resources of the province with the utmost benefit to the entire province has to be studied in a comprehensive spirit; and for that purpose this is just the thing which has got to be done immediately. Mr. Narendra Kumar Basu was apparently under a misapprehension when he said that this will not benefit Eastern Bengal. On the contrary I think it will benefit Eastern Bengal also. In any case Eastern Bengal cannot be left out of the picture in preparing

this scheme. The water that does not go into the Jalangi and Mathabhanga goes along the Padma into Eastern Bengal and in Eastern Bengal sometimes there are excessive floods—floods which are sometimes very devastating and are caused by the water carried by the Ganges and the Brahmaputra. The control of the river Ganges might regulate the supply of water. It will also enable the Government of Bengal to solve the problem of excessive flood in Eastern Bengal.

The whole thing will have to be done in a comprehensive manner. Sir, I feel that this is just the time when the problem should be tackled and this is just the time when the Government of Bengal will be able successfully to push through any project with the assistance of the Government of India and with the assistance already proffered by the province. I am not sure that the removal of the sand bank of the Mathabhanga does not mean more than what Mr. Majid Baksh or the Chief Engineer imagines it to be. The courses of our rivers are sometimes very erratic. It may be that the flowing in of more water into the Mathabhanga may mean a destructive flow of water. The question has got to be studied, and if there is a question of destructive flow of water, if there is a question of diversion of too much water so as to deprive the lower reaches of the Ganges and the Padma those are matters which have got to be provided against. Here we have only a definite change in the natural phenomena of the province which has got to be very seriously studied by the Irrigation Department, and the fullest advantage will have to be taken of it and every effort should be made immediately to prevent its being a source of evil. For this purpose I feel that this is just the psychological moment when the Government in its Irrigation Department should get busy to make a scheme and approach the Railway Board, and with their assistance carry through the project which would be of lasting benefit to the people of the province. This will enable the Government to do a great deal of good to the people even without their Development Bill.

Babu KISHORI MOHAN CHAUDHURI: I rise to support the proposal of Mr. Majid Baksh. I am thankful to him for bringing this important matter for the special consideration of the Hon'ble Member. My district also is the worst sufferer in this respect. Our rivers Boral and Narad are to be resuscitated; otherwise the consequence will be very serious. In the Survey and Settlement Report of Rajshahi it was noticed by Mr. Nelson who was in charge of the Department, that during the last 50 years the population of the south-eastern portion of the Rajshahi district was reduced by half. I put some questions during the time of Sir Surendra Nath Banerjea about the health of the people on both banks of the rivers Boral and Narad. He told me that it was well known to Government that the health of the people in those places

was b[illegible] but as there was the apprehension that if those rivers were cleared the Hardinge Bridge might be endangered, Government could not do a[illegible]thing in the matter.

Sir, the resuscitation of the Bhairab and other rivers in Nadia and Jessore is very urgent, and similar improvement will have to be done in the rivers of the Rajshahi district as well. Unless this is done these places are likely to be depopulated. That area is being depopulated fast. So, in this matter the early attention of Government is absolutely necessary. Further, a fortunate circumstance has now arisen: it is that if the sand bank—I mean the *char*—removed from the mouth of the Mathabhanga, the question of diverting the flow of the rivers in that direction—some portion of the flow being diverted along the broad river, and some along the narrow river (*sic*) will solve the problem: and I think that immense benefit will be conferred upon the district of Rajshahi and the danger to the Hardinge Bridge will be removed. Therefore, in my opinion, it is a very opportune moment to undertake the task. It must not be neglected and Government would do well to issue instructions for survey at once not only of the southern reaches but also of the northern reaches of the Ganges. The revivification and restoration to normal conditions of the malarious and the decadent areas should be seriously considered. I think that if this were done the possible danger to the Hardinge Bridge may safely be repelled, without incurring heavy expenditure.

With these words, Sir, I support the motion.

Maulvi ABUL KASEM: Sir, the question of the rivers of Bengal is a very serious question and in my opinion it is the most important question, because on it depends to a large extent the prosperity or the adversity of the people of Bengal. This matter has been under the consideration of the British Government in India and in Bengal for nearly 100 years. Books have been written and treatises have been published, but the question has never been seriously taken up or tackled at all in pre-Reform or post-Reform days. But, Sir, I think the Government of Bengal are guilty of neglect in not solving this problem so long and have taken dilatory steps in dealing with it. On the question which has been brought up by my friend, Maulvi Syed Majid Baksh, I think the Government of Bengal is grievously guilty of neglect, because here is a scheme which is supported by your Chief Engineer himself and which suggests that the Government of India should be called upon in the Department of Railways or Commerce—I do not know exactly which—to look into the matter. Still the Government hesitate to take action. I think it was the duty of the Irrigation Department which is paid by the people of Bengal to have taken up this matter and that Department should not have waited for Maulvi Syed Majid Baksh of

Jessore to bring it to the notice of this House. That Department has got experts whose business is to deal with the rivers and these people did nothing until somebody else showed them what to do. The Government of India should be called upon, and that immediately, to pay for the scheme, because the decadence is due to their action—their railroads, their bridges and many other things constructed by them for which the rivers have now been reduced to a decadent condition and for which the people suffer great miseries and losses. My friends, Mr. N. K. Basu and Dr. Sen Gupta, have stated their views, and I only want to emphasise the position taken up by the mover and add that though it is already too late yet we hope that it is better late than never to do something. I hope further that the mistake committed by Government will not be long continued.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, when one of the seniormost members of this House speaking on this cut motion made a remark that the question of the rivers of Bengal is a most serious one, I entirely agree with him; and I only wish that the members of this House would deal with the subject in a serious manner and face facts and not treat it lightly.

Mr. Narendra Kumar Basu has criticised the Government severely for not taking steps to revive the dead and dying rivers of Bengal. But do members of this House realise why this has not been done, what is the difficulty and what is the cost involved in reviving the dead and dying rivers? I would only request the members to realise that even one of most recognised experts—the late Sir William Willcocks—in his suggstion for the revival of the dying rivers of Bengal put it down as a condition precedent the construction of a barrage across the Ganges which was estimated to cost something like Rs. 8 to 16 crores. That, Sir, is the only solution—it is not a question of spending Rs. 5, 10 or 15 lakhs—but it is a question of spending Rs. 8 to 16 crores; and this is the only explanation why so far Government have not been able to take this question up or to deal with it satisfactorily. (MR. NARENDRA KUMAR BASU: Why not?). My friend says "Why not"? I would tell him how could this Province, in its present financial position confronted with the Meston Settlement, afford to spend a sum up to Rs. 16 crores without the prospect of the scheme being not self-supporting or remunerative. Therefore it is obvious that it is not due to any neglect or non-realisation of the seriousness of the situation that Government do not take any action for reviving the dead rivers. (MR. NARENDRA KUMAR BASU: It is sheer cursedness). Sir, strong language always shows weak arguments. Therefore, I submit that this is a question that can only be dealt with by the Bengal Rural Development Bill. (Hear! hear!) (MR. ABUL KASEM: Will you get Rs. 16 crores?) Yes. The whole object of the Bill is to do that and I ask the members of this House to deal with this subject seriously.

Maulvi SYED MAJID BAKSH: Sir William Willcocks says a different thing. I have got the pamphlet——.

Mr. PRESIDENT: Order, order. You should allow the Hon'ble Member to proceed with his speech.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as I was saying, this is a serious question, and if the members of this House really want a revival of the rivers, they should be prepared to give drastic powers to Government. Anyhow that is a different matter. I now come to the motion of Maulvi Syed Majid Baksh, the recognised authority—the amateur authority—on Irrigation; he will perhaps allow me to congratulate him on his scheme and the time and effort he has bestowed on the question in at least attempting to make a constructive suggestion. But, unfortunately, Maulvi Syed Majid Baksh's schemes and proposals suffer from the usual handicap of amateurs. His idea may perhaps to a certain extent be correct, but so far as actual facts and figures are concerned, he is so hopelessly wrong that no Engineer with any self-respect would put up a suggestion which he has asked this Government to put before the Irrigation Department. (MAULVI SYED MAJID BAKSH: Mr. Currie accepted it). It is most unfortunate that members go and ask Heads of Departments to read their schemes and give their opinion and then distort it afterwards. Mr. Currie has not accepted a word of his scheme. I shall however come to it later. Let me first of all explain to the House and this is a most important point; as a large number of members have come to the conclusion that Mr. Baksh has put forward an excellent scheme for reviving the dead and dying rivers of the districts of Jessore and Nadia and unless this point is clearly explained, they will go away with that impression. I will therefore ask for their indulgence and explain what are the actual facts. The actual facts are that at the Hardinge Bridge the discharge of water is 16 lakhs cusecs .....(MAULVI SYED MAJID BAKSH: It is 25 lakhs). The capacity may be 25 lakhs, but the actual flow through the bridge is 16 to 17 lakhs. As far as the Mathabhanga is concerned, its carrying capacity is 37,000 cusecs. Remembering this actual capacity, we have to consider whether a diversion of water into the Mathabhanga which may at the most, say, carry up 50,000 cusecs will affect the flow of the Ganges. I will give an illustration of the pipe-system of carrying water. A two-inch or three-inch pipe has a limited carrying capacity. If the mouth is choked, the carrying capacity is reduced. Similarly, the Mathabhanga channel has got a limited capacity of carrying water. The *char* which is formed at its mouth has restricted the discharge, and the clearance of the *char* will open the flow, but that does not necessarily mean that it can have any appreciable effect so far as the 17 lakhs of Ganges water is concerned as against the carrying capacity of the Mathabhanga

of 37,000 cusecs. Sir, in this connection I would remind the hon'ble members of this House of what Mr. Tamizuddin Khan said, that it is most dangerous to tamper and play with a channel like the Mathabhanga and allow 16 lakhs of cusecs to flow through it. The effect will be to wipe out the whole of the Jessore district. It is not a feasible or a practicable suggestion. The formation of the *char* at the mouth will not have any appreciable effect on the situation of the Hardinge Bridge. If we open out the channel and allow a large quantity of the water to come down the Mathabhanga, it may have serious consequences You will have to spend a large sum of money by means of sluices and other things to regulate the flow in that place. In any case it is not possible to make any claim from the Railway Board for a scheme for the improvement of the Mathabhanga river because it will relieve the situation at the Hardinge Bridge. I shall explain the situation as stated by Mr. Curry. To begin with, if members will turn to page 16, the first paragraph of Mr. Curry's note, they will find that he wants to make it clear that the railway engineers are quite alive to the situation. He says that "The railway engineers are ready to extend the training work at Raita, in order to meet a development in the curvature of the river, up-stream of Raita," that is to say, they know the difficulty and they are prepared to meet it. Then he goes on to point out that the actual capacity of the Hardinge Bridge is 25 lakhs cusecs and that the flood discharge of the river Mathabhanga is about 37,000 cusecs. On this point there is no agreement between Mr. Majid Baksh and Mr. Curry. Then we come to page 17. Here Mr. Curry says "Nevertheless the writer is quite correct in pointing out that some changes will be felt during the next flood season but we can rely on the railway authorities being prepared to meet such changes." Now Mr. Majid Baksh has claimed that Mr. Curry is supporting his contention that the railway people will benefit by diverting water through Mathabhanga, but I submit that what Mr. Curry has referred to is to the development in the curvature of the river, up-stream of Raita. He says that on account of the washing away of the sand bank the pressure will be felt and that the Hardinge Bridge would be outflanked. Mr. Curry agrees that there is a serious danger owing to the washing away of the sandbank. In this note Mr. Curry nowhere agrees——

Maulvi SYED MAJID BAKSH: On page 16.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, anything that will help this House to understand this question I am prepared to allow Mr. Majid Baksh to lay before you.

Maulvi SYED MAJID BAKSH: I would refer the House to the last but one line on page 15 of Mr. Curry's note. It reads: "It should be possible however for the Bengal Government to come to some

agreement with the railway authorities for the enlargement of the bridges, especially if it is pointed out to the railway administration that the diversion of an increased discharge down the Mathabhanga river without the risk of an avulsion of the Ganges river away from the Hardinge Bridge will reduce the discharge to be dealt with at that bridge." I do not know English language more than to interpret it in the way I have done.

The Hon'ble Khwaja Sir NAZIMUDDIN: This, Sir, again refers to the dead and dying rivers of the Nadia and Jessore districts. There is no doubt, as Mr. Curry has said here on page 17 and as has been pointed out by Dr. Sen Gupta, that 10,000 cusecs will be reduced. But my whole point is that where the actual volume of water that passes through the Hardinge Bridge is 16 lakhs cusecs, if you take away 10,000 cusecs out of this 16 lakhs, is that going to be a relief to the Hardinge Bridge?

Maulvi SYED MAJID BAKSH: The figures are——

Mr. PRESIDENT: Order, order. It would be impossible for me to conduct the business of the House if I were to allow you to interrupt the Hon'ble Member in this fashion. The rules are that when one is speaking you should not interrupt him unless he is misrepresenting you. At the same time when you have formulated a proposal you must tolerate any criticism that might be levelled against it from any part of the House. It is absolutely necessary in the interest of good debate that you must listen to the arguments of your opponents with becoming coolness. The Hon'ble Member is not yielding to you and so you should not speak simultaneously—I cannot allow a debate to degenerate into an angry conversation.

The Hon'ble Khwaja Sir NAZIMUDDIN: All that I am submitting before the House is that according to Mr. Curry it is 10,000 cusecs of water that will be taken away. Accepting that it is double or treble that amount, still it is so insignificant a quantity that there will practically be no relief of pressure on the Hardinge Bridge. Therefore, the claim on the Railway Board is not likely to meet with great success. The entire question of the revival of the dead rivers of Bengal by which he means the Bhagirathi, Jalangi and Mathabhanga if all these be taken up in one scheme which means the diversion of water of these three rivers, then there will perhaps be an appreciable relief on the Hardinge Bridge and which may induce the Government of India to offer a contribution. That is a question which Government will certainly look into. But as far as Mr. Majid Baksh's proposal is concerned, I regret very much that I do not think that it can be supported.

strongly because of the practical difficulties. The facts as they are will not help Government much to approach the Government of India.

As far as the other schemes are concerned, even only the revival of the big rivers of Bengal like the Bhairab, which is scheme No. 2 and estimated to cost about Rs. 16 lakhs, shows the difficulty of the problem. It means an expenditure of a large sum of money, and before the introduction of the Bengal Development Bill, it was the policy of Government to try to find out whether there was any proposal from the local people to contribute. That is the reason why we have not worked out any scheme for the revival of big rivers. It is merely because the problem was too big to be dealt with financially. I hope my friend the mover of the motion will see his way to withdraw it.

Dr. NARESH CHANDRA SEN GUPTA: May I ask a question? The Hon'ble Member has spoken of the pressure of water on the Hardinge Bridge. Is it not a fact that there is no pressure but that the danger arises from the diversion of the water?

The Hon'ble Khwaja Sir NAZIMUDDIN: The whole question is this. I did not say that. Mr. Majid Baksh said that if we could divert the water from going through the Hardinge Bridge then the pressure would be relieved. What I said was that the quantity of water was so insignificant that it would be no relief to the bridge.

Maulvi Syed Majid Baksh's motion was put and lost.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

(The House re-assembled at 6-30 with Mr. Deputy President in the chair.)

Maulvi SYED MAJID BAKSH: I beg to move that the demand of Rs. 10,573 under the head "XIII—Irrigation working expenses—A Irrigation, extension and improvement" be reduced by Rs. 100 (for not giving effect to the Jaynagore cut and Bhairab Scheme II).

In moving this motion I have been fortunately afforded an opportunity of replying to the points raised by the Hon'ble Member in reply to my last motion.

Sir, this is one of the subsidiary provisions connected with the main provision which we have just dealt with. Sir, in replying to my former

motion the Hon'ble Member criticised by saying this: what will you do if you let in so much water into the Mathabhanga? As if my scheme merely arranged for letting in water and not for letting it out! I never said that, Sir. On the contrary I said that, just as you let in water you must let it out exactly in the same quantity. However, Sir, I do not wish to trouble the House any longer with this matter. If you visualise the course of the Mathabhanga you will see that it is a river which flows southwards from the Ganges which flows more or less parallel to sea-board of Bengal. You should let out water corresponding to that which you let in into the Mathabhanga, but what does it mean? There is only one scheme, namely, the Jaynagore cut and Bhairab Scheme No. II. There was the Ghuznavi cut which however has been given effect to. But my present proposal is to ask that you should give effect to the Jaynagore cut scheme as soon as possible. I will complement my previous scheme with this one and I would like to point out that if you widen the breach at the source of the Kapatakhi and the Bhairab at Jaynagore and create another opening if necessary with the various rivers of the Jessore and Nadia districts you should let out the same quantity of water as you let in, so that it is something like a compensating arrangement in this particular case. If this arrangement is made my scheme will be all right.

Does the Engineer of the Irrigation Department suggest that 10,000 cusecs of water let out will traverse the enormous length of the decayed rivers which will have to be revived? My proposal is to ask the railway authorities to grant funds to widen the bridges. The bridge at Jaynagore, is a small one; in fact, it is nothing but a big culvert. If you widen the waterway and make the water spaces very big then there will be no difficulty. I wish you to widen the river at the mouth of the Ghuznavi cut so that more waters may pass through it. If you like these waters to pass along these cuts then the waters that enter the Mathabhanga will prove beneficial to the people of the district; otherwise if the waters remain and cannot find a way out, it will not help you at all. So that my scheme is that if you let in water into the Mathabhanga you should let it out also. And the Irrigation Department engineer gives the figure of 10,000 cusecs of water but he has not given us any calculation on which he has arrived at this figure. I have already said that Kalidaskhali is a sand bank of 3 square miles and the removal of this enormous space will of course make more cusecs of water pass. That is not my surmise only, Sir, I am confident that it will be more than 10,000 cusecs and I am afraid the Irrigation Engineer has given his estimate without any proper calculation, and that if he had properly calculated he would have found that it would be more than 10,000 cusecs. Having come to the conclusion that water let in in this way is bound to enter the Mathabhanga during the

flood season, what arrangements are you going to make to let out the water and prevent the railway lines from being damaged by it? What will be the effect of water entering the Mathabhanga if you do not let it out? If the pressure is very great there will be a breach in the railway line. Therefore, I would request the Hon'ble Member to go on with the Jaynagore cut and Bhairab II Scheme, and in doing so I would confine myself to this scheme only. Taking a comprehensive view of the subject I may say that there are many rivers as have been shown in the map, like the Kapatakshi, Bhairab, the Navaganga, and Chitra Ischamati, Kumar, etc. You should widen their mouths, widen the bridges and let in more water to pass through them, but the Hon'ble Member is afraid that if we let in more and more water into the Mathabhanga it will overflow the district of Jessore. I say that it will not do any such thing. I had never suggested that 16 lakhs cusecs of water carried by the Ganges should be diverted to the Mathabhanga. And somebody also said that in that case the Padma would be diverted to the Mathabhanga. Sir, he who says such things has very little knowledge of hydraulics. A very big river goes along its gradient; it is only a small river that forms a side track and a big river like the Ganges cannot enter into a small cavity like the Mathabhanga; just as the sea cannot enter the Ganges so the Ganges too cannot enter the Mathabhanga. Of course this sort of amateur criticism will always be made in this House and there is nothing to prevent the expression of such colossal ignorance. A river passes along a gradient and as the river grows old on account of silt water settling on it, and if the bank rises the river forms well divided lines and it is only in flood time when the pressure is great on the banks and the banks give way a little, that small rivers are formed. If you look at the map of Bengal you will see that not only the Mathabhanga but various other rivers also have been formed in this way. Do you mean to say that through one channel only the Ganges will pass? Nobody makes such a suggestion like that. The Irrigation Engineer says that he will require 3 lakhs of cusecs of water to be diverted and perhaps his idea is that in order to protect the Hardinge Bridge you have got to divert a lakh of cusecs of water into the river. In order to do that if you want a lakh of cusecs, well and good, but the complaint has been made that in that case the whole country will be flooded. But I say, Sir, that it will not be so, because there are not less than 50 to 60 streamlets arising from the Mathabhanga, and it is only the railway embankment that stops them. If you make breaches just as has been made at the Ghusnavi cut, if you make breaches and provide waterways through railway embankments at certain places the whole waterway will conveniently pass through the channels and irrigate the country; it will not produce any flood, as the excess water will be carried into the sea. So that I do not know how there can be any possibility of flood. As

present water enters the Mathabhanga but it is obstructed by the railway embankments which have not been provided with outlets and that is at the bottom of all these floods. But the Hon'ble Member said that that is not so. I forget the words that were used by the Hon'ble Member in this connection; at one point he said that he could not understand what I meant by the words "that bridge" when I remarked as follows: "that the diversion of an increased discharge down the Mathabhanga river without the risk of an avulsion of the Ganges river away from the Hardinge Bridge will reduce the discharge to be dealt with at that bridge." The plain English language is there, Sir, and it cannot mean any other than the Hardinge Bridge.

Mr. DEPUTY PRESIDENT: Maulvi Sahib, please try and be more relevant to the amendment now under discussion.

Maulvi SYED MAJID BAKSH: No, Sir, it is very relevant, for in order to effect the Jaynagore cut I must show that diversion of the water from the Ganges into the Mathabhanga is necessary, and as it will reduce the discharge of "that bridge" it is purely and simply the "Hardinge Bridge." It is plain grammar, not hydraulics or irrigation. So the Hon'ble Member has misled the House in saying that Mr. Curry did not agree with me. No, Sir, it is not so; it is in the book and everyone can read it. Mr. Curry says that if you let in water and do not let it out, if you simply bottle it up and do not drain it out, you are simply creating a great danger. Along with the inlet there must be an outlet also; they must go hand in hand. I never suggested such a thing and am simply surprised that anybody can come to a conclusion like this. I suggested that the railway authorities should divert the water that enters the Mathabhanga. It has also been said that Mr. Curry said that the capacity of the Mathabhanga is 37,000 cusecs. Nowhere does Mr. Curry say so, Sir. At the present time the discharge of the Mathabhanga is 36,000 cusecs. Discharge is a different thing from the capacity of the Mathabhanga. Discharge means the water that enters the Mathabhanga and capacity means the water that is capable of entering the Mathabhanga: these are two entirely different things. Nowhere has Mr. Curry said what has been attributed to him. The other rivers are dying and it is the Mathabhanga alone that has shown signs of life. There is no fear that the Mathabhanga will do any damage. Therefore I suggest that the Jaynagore cut should be given effect to without delay: The Irrigation Department has sanctioned the Jaynagore cut, but if the department has sanctioned the cut, I do not know what stands in the way of their giving effect to the cut. Mr. Curry at page 15 of my pamphlet says

that the department has recommended the excavation of a cut known as the Jaynagore cut. I know the Irrigation Department has sanctioned the Jaynagore cut scheme. Then what is the objection standing in the way of giving effect to this scheme. Mr. Curry said on page 15 of the pamphlet that Irrigation Department recommended the Jaynagore cut. That is all very well. My object for moving this motion is that there is at present two very small culverts through which very little water passes. I ask the Hon'ble Member to write to the Railway authorities to provide a big bridge over the river. The Railway authorities have done an inequity by purposely bottling up the mouth of the Kabadak and the Mathabhanga. They have carried railway line on the earth accumulated as a result of the bottling up of the mouth of the river. I would ask the Hon'ble Member to write to the Railway authorities to right the wrong done and provide a spacious bridge on the mouth of the Kabadak to enable the flood water to pass freely and to go down-stream. It will certainly be a better scheme as more water will be diverted. I do not know if the Irrigation Department knows that owing to the sand bank water was unable to enter the Mathabhanga and further down the bridge it is diverted slowly along what was a small river, and which is now a big river, viz., the Kaliganga, which joins with the Kumar. The result is that there is backwash in the Nabaganga and Bhairab. If you divert more water to Mathabhanga there is less chance of flood. I do not understand why the Irrigation Department Engineers differ from me in this respect. I think it is on account of their official prestige that they do not agree with me. But I think there are points to agree with me. You can only stop high current of Kaliganga by drawing water to Mathabhanga.

Sir, Bhairab scheme No. 2 also provides another outlet for the surplus water. The Hon'ble Member said that Bhairab scheme would cost 25 or 27 lakhs of rupees. The late Chief Engineer Mr. Addams-Williams devised Bhairab scheme No. 2 and estimated an expenditure of Rs. 25 lakhs for it, just as Rs. 50 lakhs was provided for the Ronaldshay Dredger. Now, my point is that does the Irrigation Department know that the cost of labour now is one-fourth of what it was when the Bhairab scheme was launched? The labour which then cost Re. 1 can be had for annas four now, thus the cost of a scheme costing Rs. 25 lakhs at once dwindles down to Rs. 6 or 7 lakhs at present, and this is what I told Mr. Curry. When I spoke to him about it Mr. Curry said that it would cost Rs. 26 lakhs. I explained that the cost of labour being one-fourth of what it was previously, the cost of the scheme at once dwindles down to 6, 7 or at the most 10 lakhs of rupees. Of course I cannot work out the details of the scheme or the way in which it can be done. The Engineers of the Department can prepare many

schemes and they can, if they will only put their heads together, work out a scheme by which the flow of the Bhairab can be revived. I have no doubt that they can evolve a scheme.

Again, Sir, the Railway authorities spent over Rs. 78 lakhs over the Hardinge Bridge, and if they are approached and told to spend, say, 10 lakhs towards the reviving of the Bhairab, I think they will readily agree to do so in order to save the Hardinge Bridge which is in danger.

Then, Sir, the Hon'ble Member quoted Sir William Willcocks about Ganges barrage; he did recommend for a barrage because when Sir William Willcocks journeyed with Dr. Bentley through Mathabhanga, Ganges and Bhagirathi, he did not find much flow, and therefore he thought that in order to divert some water a barrage is necessary. Hon'ble Member quotes the authority of Sir William Willcocks when he recommended the construction of a barrage, but he does not agree with him when he finds that the taxation proposed in the Development Bill militates with the opinion of Sir William Willcocks. Sir, perhaps he has forgotten what Sir William Willcocks has said on page 22 of his report (I may read the passage):—

"You cannot, as they tried in Orissa, go about every year in the rice fields deciding which field received only flood water, which half flood and half rain, and which received only rain water."

You want to impose tax under the Development Bill for certain water which the cultivators get for their crops. Now, the cultivators may say that they get flood water only for their crops, some may say that they got half flood water and half rain water and some may say that they got rain water only for their crops, and there is no reason why they should pay tax for it. Therefore, Sir, the scheme under the Development Bill is an impracticable scheme. You cannot meet the arguments of the cultivators. They will say rain water is responsible for their crops. So it is not a feasible scheme.

My proposal, Sir, is—improve the condition of the peasantry, make them rich, give them purchasing power so that they may be able to spend money and ultimately you will get 10 times of what you spend for this. That is the method suggested by Sir William Wilcox. Now, the Hon'ble Member on one point very much quotes Sir William Willcocks, but in many points he does not quote him. I think I have already said much, but there is one thing about which I wish to say a few words. This is how the passing down of 10,000 cusecs down the Mathabhanga river will affect the flood discharge of the Ganges river favourably. Suppose a strong force of current impinges on a portion of the bank what would be the result? The result will be that

although the pressure will not be very great, at a certain point it will give way and reach the breaking point. So it is not a question of drawing 5,000 or 10,000 cusecs.

Maulvi ABUL QUASEM: Sir, on a point of order. What is the time allotted to the hon'ble member to speak?

Mr. DEPUTY PRESIDENT: He can speak for 30 minutes.

Maulvi SYED MAJID BAKSH: Do not lose hopes: I sit down.

Adjournment.

The Council was then adjourned till 3 p.m. on Tuesday, the 19th March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 19th March, 1935, at 3 p.m.

Present:

Mr. Deputy President (MR. RAZAUR RAHMAN KHAN) (in the absence of the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 94 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Officers under the Court of Wards in Bengal.

*71. **Mr. R. MAITI:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing the names of the officers employed at present under the Court of Wards in Bengal with the names of the stations where posted and with the period of posting there?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): A statement is laid on the Library table.

Half-holidays on Saturdays in the Calcutta Registration office.

*72. **Mr. K. C. RAY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state—

(*i*) whether it is a fact that the clerks and copyists in the Registration office at Calcutta have no half-holidays on Saturdays;

(*ii*) whether it is a fact that no registration work is done after 1 p.m. on Saturdays, but still the clerks and copyists have to stay on up to 5 p.m.; and

(*iii*) whether it is a fact that formerly the said clerks and copyists used to enjoy a holiday on the last Saturday of every month?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for curtailing the holidays of the clerks and copyists of the Registration office at Calcutta without giving them any extra remuneration?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) (*i*) Yes: it is a fact.

(*ii*) No documents are accepted for registration after 1 p.m. on Saturdays except when there is a heavy rush, but other registration work is carried on up till 5 p.m. and the clerks and copyists are required to remain in office for this.

(*iii*) Yes, but not since 1923.

(*b*) The observance of the last Saturday of the month as a holiday was discontinued for all offices, and consequently the holidays of these clerks and copyists of the Registration office in Calcutta have not been curtailed to a greater extent than in any other office.

Casual leave of copyists in the Calcutta Registration office.

***73. Mr. K. C. RAY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to lay on the table a copy of the rules governing the casual leave of copyists in the Registration office at Calcutta?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact that every copyist at the Calcutta office has to show daily an output of copying 3,000 words and comparing 6,000 words?

(*c*) Is it a fact that when any copyist is granted casual leave he is ordered to copy additional words over and above his daily output at the rate of 3,000 copying and 6,000 comparing words for the days during which he remains absent on casual leave?

(*d*) Is it a fact that the aforesaid copyist who is thus asked to produce such an additional outturn over and above his daily routine outturn has to work extra hours to complete his work?

(*e*) Is it a fact that his pay is withheld until the outturn of his absent days are completed?

(*f*) If the replies to (*c*), (*d*) and (*e*) are in the affirmative, will the Hon'ble Minister be pleased to state the authority under which the copyists are asked to produce such additional works over and above their routine work?

(*g*) Is it a fact that the copyists of the Calcutta Registration office have sent in a memorial to the Inspector-General of Registration stating therein this grievance?

(*h*) Is the Hon'ble Minister considering the desirability of laying a copy of the said memorial on the table?

(*i*) Will the Hon'ble Minister be pleased to state whether the Government contemplate taking any steps to remove this grievance?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) The member is referred to paragraph 323 on page 270 of the Bengal Registration Manual, a copy of which will be found in the Library.

(*b*) and (*c*) Yes.

(*d*) Yes, this is probably the case.

(*e*) No.

(*f*) Government orders are the authority: an officer or clerk on casual leave is not treated as absent from duty.

(*g*) Yes.

(*h*) and (*i*) No.

Aided Junior Madrasahs.

*74. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay a statement on the table showing for each division of Bengal and separately for the districts of Chittagong, Comilla and Noakhali:—

(*i*) how many Government-aided Junior Madrasahs are there; and

(*ii*) the amount of grant sanctioned this year and the previous two years?

(*b*) Are the Government considering the desirability of increasing the number of Madrasahs and the grant for the district of Chittagong?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the following figures of the present year and the last two years in connection with the Junior Madrasahs of Chittagong—

(*i*) the names of the Junior Madrasahs;

(*ii*) the number of students;

(*iii*) the number of teachers;

(*iv*) the qualifications of the head teachers;

(*v*) how many students were sent up for the final examination from each;

(*vi*) how many passed out of them;

(*vii*) what is the percentage of the passed students to the number of students; and

(*viii*) what amount is sanctioned as grant for each particular Madrasah?

(*d*) Is it not a fact—

(*i*) that the result of the Bailchari Junior Madrasah at final examinations is better than all other Junior Madrasahs in the district of Chittagong; but

(*ii*) that the grant of aid for the said institution is less than all others?

(*e*) Did the present Divisional Inspector of Schools ever visit the said Bailchari Madrasah?

(*f*) How long has he been in Chittagong?

(*g*) Will the Hon'ble Minister be pleased to state whether there are non-Muslim teachers in the Junior Madrasahs of Chittagong?

(*h*) If the answer to (*g*) is in the affirmative, in which of the Madrasahs are there such teachers?

(*i*) Is the contribution to the Provident Fund by teachers of Junior Madrasahs compulsory?

(*j*) How many new scheme High Madrasahs are there in Chittagong and what are their names?

(*k*) Are the Government considering the desirability of—

(*i*) encouraging the establishment of new High Madrasahs in village areas;

(*ii*) reducing tuition fees of the students; and

(*iii*) increasing the number of free studentships in the Junior Madrasahs

on account of the present economic depression?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) and (*c*) Statements giving the information, so far as it is immediately available, are laid on the Library table.

(*b*) No.

(*d*) The member is referred to the two statements laid on the Library table.

(*e*) No.

(*f*) Since 5th November, 1932.

(*g*) and (*h*) This information is not readily available, and its collection would involve detailed enquiries which Government regret that they are unable to undertake.

(*i*) Yes.

(*j*) Two: Chittagong Madrasah and Sitakund High Madrasah.

(*k*) No, except in so far as these questions are affected by the recommendations of the Moslem Education Advisory Committee.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*k*), will the Hon'ble Minister be pleased to state whether, and when, the Government is expected to accept the recommendations of the Advisory Board?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The Committee took about three years to report, and the report was submitted in November last. I think I ought to have a few months with a view to consider the detailed report. It is very difficult to consider it at this stage on account of heavy pressure of work in connection with the Budget Session of the Council, but as soon as the Budget Session is over, we propose to go into the question.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Admission into the Campbell Medical School.

38. Khan Bahadur MUHAMMAD ABDUL MOMIN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is permissible under the rules of admission to admit a boy direct to the Campbell Medical School, 2nd year or 3rd year class?

(*b*) Is it a fact that a boy of Bankura was admitted direct into the 3rd year class of the said school by the Superintendent?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The answer is in the negative. Exception is, however, made in the case of transfers from other medical schools; in such cases direct admission is allowed but only at the beginning of the session and only under very special and exceptional circumstances.

(*b*) A student from the Bankura Medical School was admitted into the 2nd year class in the beginning of the summer session on transfer under the above rule.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

(The discussion on the Irrigation Budget was then resumed.)

DEMANDS FOR GRANTS.

XIII, 15, 15 (1), 16 and 55—Irrigation.

MOTIONS FOR REDUCTION.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, yesterday, Mr. Majid Baksh spoke at length over his proposal for not giving effect to the Joynagar cut and the Bhairab scheme. The main gist of his speech was that there was a possibility of diverting a greater volume of water from the Ganges to Matabhanga, and, therefore, the Joynagar cut and the Bhairab scheme should be undertaken immediately. So far as the Irrigation Department is concerned, they have never doubted the advisability of the Joynagar cut or the Bhairab scheme No. II. As a matter of fact, both these schemes were framed by Government, but they could not be undertaken because in the past the policy of Government has been to finance these schemes under Act VI, namely, the Agricultural and the Sanitary Improvement Act, and as the local people were not prepared to contribute their share of the money, so far nothing has been done. Now there is a proposal that the District Boards of Nadia and Jessore are prepared to take up the scheme called Joynagar cut, and a conference had been arranged by Sir Bijoy Prasad Singh Roy at the Writers' Buildings on the 22nd January where this scheme was discussed. As far as Government are concerned, they have lent the assistance of the officers of the department in drafting the scheme and in suggesting improvements wherever possible. As far as the Joynagar cut itself is concerned, there was a likelihood that as a result of this cut, the other cut, which is known as the Ghuznavi cut, might suffer, but the Chief Engineer is now quite convinced that the Joynagar cut will not affect either the diversion of water at the Ghuznavi cut or lower down. Besides, the washing away of the sand *char* at the mouth of the Matabhanga will help in bringing a greater volume of water into the Matabhanga, and as far as the Joynagar cut is concerned, it will only take about 1,200 cusecs. Sir, this is an insignificant volume of water, and, therefore, the scheme has got the approval and support of the Irrigation Department. The question is entirely one of finance, and if the two District Boards of Jessore and Nadia wish to take it up, Government will give all the assistance possible, so far as technical and expert advice is concerned. The Bhairab scheme No. II is quite a different proposition, because originally the estimate was 26 lakhs, and, according to Mr. Majid

Baksh, it is six lakhs now. Sir, even this six lakhs at the present time is a very large sum of money. Government is not in a position to take up the scheme, and the District Board of Jessore, which is concerned, also cannot take it up. Schemes of this character will have to wait till the passing of the Bengal Development Act.

Sir, I think, in view of the explanation given, Mr. Majid Baksh will be prepared to withdraw his motion.

Maulvi SYED MAJID BAKSH: Sir, in view of the assurance given by the Hon'ble Member, I beg leave to withdraw the motion.

The motion was, by leave of the House, withdrawn.

Babu KHETTER MOHAN RAY: Sir, I beg to move that the demand of Rs. 10,573 under the head "XIII—Irrigation working expenses—Extension and improvement" be reduced by Rs. 100 (resuscitation of the river Titas in the district of Tippera).

Sir, the question of resuscitation of the river Titas was brought before the Council in 1932 by a resolution moved by me, and the then Hon'ble Member in charge of Irrigation promised to cause an enquiry to be made into the condition of the river Titas. Sir, the river Titas which is the longest river in the district of Tippera, rises from the great river Meghna in the north of the district and falls into the same river in the west of the district through four or five channels at different places. This river with its various branches and tributaries has been the principal means of communication in the district and has, until lately, been navigable throughout the year. This river in its meandering course used to water a vast area perhaps one-half of the district—within the Brahmanbaria and Sadar subdivisions. Within the last 40 years, several trade and jute centres have sprung up on the banks of this river, such as Akhaura and Nabinagar, within the subdivision of Brahmanbaria, and Masimpur, Ramchandrapur and Gouripur within the Sadar subdivision. Hundreds of villages on its banks receive their supply of water from the river which also drains off rain water of the places through which it passes. Twenty-five years ago, malaria was unknown in our district. But, with the deterioration of this river which began more than 20 years ago, malaria has made its appearance in the district, which is carrying off a large number of people every year. The hill stream, Howrah, which rises from the Tippera hills, pours forth its contents into the river Titas near Akhaura, and the river Titas also receives water from the Gumty, a big stream from the same hills, through a newly opened outlet. Owing to the deposit of sands and silts from the hill streams, the bed of this river has been raised, and shoals and sand banks have in the course of time been formed, which obstruct the flow of water. In the dry season, the boat communication has also become impossible at various places, notably near Akhaura,

the principal jute centre in the district. Due to the raising of the bed, the river cannot carry off rain water, and the result is early flooding of the areas, and damage to the crops. The resuscitation of the river was agitated in this Council by my predecessor some years ago, and I have also been pressing the seriousness of the problem of the river Titas upon the Government for the last few years. Decay of the river has set in some 20 years ago; and unless the progress of decay is arrested, the condition of our district in the course of the next ten years will be similar to that of the districts in West Bengal where rivers have almost dried up. About two years ago, an enquiry was held by an Engineer of the Irrigation Department into the condition of the river Titas. He was kind enough to interview me at Comilla and consulted me about the various measures which might possibly be taken to relieve the distress of the people due to the silting up of the river Titas near Akhaura. According to his estimate the people of this locality alone were losing every year crops worth about Rs. 6 lakhs. Deterioration is extending every year, and it is feared that ultimately the entire area through which the river passes will be affected to the great detriment of the people of the district. I regret to say that the results of the said enquiry and the decision of the Government thereon have not as yet been communicated to the people. The learned Engineer in question enquired of me whether the people were ready to make any contribution towards the cost of excavation of a canal through the silted up portion of the river. Owing to the present economic depression, contributions from the people were out of the question, and I informed him accordingly. After this, nothing was heard of the matter. I would like to draw the attention of the Government to the serious nature of this problem. There is yet time to resuscitate the river, by removing sand banks and shoals formed here and there, but after a few years' time, it will be a colossal task for the Government to restore the river to its former condition. It is needless to say that this river is considered by the people as the life and soul of the district. As the district is pre-eminently agricultural, the prosperity and the health of the people of the district entirely depend upon maintaining the river in a serviceable condition. Sir, the problem of the dead and dying rivers is not confined to West Bengal alone; it is gradually becoming serious in East Bengal also with this difference that the problem of the Titas and similar other rivers in East Bengal is not onsidered to be beyond the range of practical politics, as is the case in West Bengal, if timely measures are taken to arrest the decay by rendering the shoals and sand banks.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. J. D. V. HODGE: Sir, in raising this question, Babu Khetter Mohan Ray has referred to the discussion which took place in 1932.

At that time, the Hon'ble Member in charge of the Department pointed out that the causes of the deterioration of this river were not merely local, but that they raised a much bigger question, namely, the general regime of the Meghna system. As Babu Khetter Mohan Ray has said, the Hon'ble Member promised an enquiry, and I think I had better carry on the history of the case from that point. Government have never failed to realise the importance of the problem of this river, but the results of that enquiry were unfortunately not encouraging. Khetter Babu himself has been in close touch with the officers holding the enquiry and knows the position well, but I had better, for the information of the House as a whole, briefly state the position. The trouble arises from the deposit of silt at the junction of the Titas and the Howrah rivers. The result of the enquiry went to show, first, that the re-excavation of the river would be an extremely costly process—the minimum cost would be something like Rs. 1 lakh—and, secondly (this is more important still), the enquiry showed that the improvement so secured would not be permanent. The forces which have led to these deposits of silt will continue to work, and they will not be slow to re-form. As Khetter Babu has told us, the economic position of the people of that part is at present such that they cannot contribute substantially towards the cost of re-excavation. This means that practically the whole cost of the scheme must fall on Government. Now Government would, in any case, be chary of spending large sums from provincial revenues on a work which, after all, though very important, is mainly one of local interest, and they could not be possibly justified in doing so if the improvements secured were not permanent. That would mean either throwing the money away or burdening the province with the annual cost of maintenance. It is for this reason alone that there is no provision for this project in the next year's Budget.

I think, after this explanation of the position, probably the mover himself and the House as a whole will agree that Government could not have been justified in making provision for this work in next year's Budget, and I trust that the hon'ble mover will see his way to withdraw his motion.

Babu KHETTER MOHAN RAY: Sir, in view of the explanation given by Mr. Hodge, I beg leave of the House to withdraw the motion.

The motion was, by leave of the House, withdrawn.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 1,69,000 under the head "XIII—Irrigation, navigation, embankment and drainage works for which capital accounts are kept—A—Irrigation" be reduced by Rs. 100.

Sir, my reason for tabling this motion is simply to draw the attention of the Hon'ble Member in charge to the fact that in 1933, there were very heavy floods in the rivers Ajay and Hinguha in the district of Birbhum, and considerable damage was caused to the inhabitants of the villages on the banks of these two rivers. Nothing seems to have been done to relieve the sufferings of these people, and I would like to know what the Government intends to do or has done in this matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, these periodical floods, especially when they are of an exceptional nature, I am afraid, cannot be avoided; but so far as Government are concerned, they have taken all the steps that could be taken in repairing the *bunds* and looking after the embankments so that in ordinary cases there can be no flooding. Flooding only takes place in this case when there is a very heavy and abnormal flow of water in the Ajay, and it is practically impossible to prevent such flooding.

Mr. NARENDRA KUMAR BASU: What about the relief of the sufferings of the people affected?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as relief is concerned, that is not the concern of the Irrigation Department. It is the concern of the Revenue or some other Department. So far as the Irrigation Department is concerned, they are responsible for looking after the embankments only and they take all the precautions that can possibly be taken for keeping them in a state of repair.

Maulvi ABUL KASEM: Sir, I beg to draw your attention to the fact that no opportunity has been given to the House for the discussion of this motion.

Mr. DEPUTY PRESIDENT: You are not correct, Mr. Kasem. Sufficient time was given for discussion, but no one gave any indication that he would like to speak. You should have got up and taken your chance.

Mr. NARENDRA KUMAR BASU: Sir, in view of the assurance given by the Hon'ble Member, I beg leave to withdraw the motion.

The motion was, by leave of the House, withdrawn.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 5,05,700 under the head "XIIIB—Navigation, embankment and drainage works—Working expenses—Maintenance and repairs" be reduced by Rs. 100.

Sir, this cut motion of mine is rather more important than the previous one which I moved. It is about the eternal question of the dredgers. As my friend, Mr. S. M. Bose, has said, it is really a hoary chestnut, so far as this House, and so far as the Government are concerned. I have, year after year, given the Council the figures that are being frittered away after these dredgers by the Government of Bengal. In fact, if you look at the Budget of the next financial year, you will find that the amount provided for the upkeep of the dredgers would be over Rs. 1,12,000, and I am not taking into account the amount of interest due on the capital charges, and all that sort of thing. Sir, we have been given to understand that these dredgers would be got rid of. Year before last, the Hon'ble Member in charge of the Department at that time said that they were making valiant efforts to get rid of these dredgers, and last year in this Council, the Hon'ble Member said that efforts were being made, not only in Asia but also in Europe to sell them, and that Mr. Roche, the late Chief Engineer who was in England, was in correspondence with certain companies so that these white elephants might be got rid of. However, nothing has been done so far. You will find from the report of the Public Accounts Committee of this House which considered the estimates—at page 30 of the last report of that Committee, you will find that they recommended that these dredgers should be sold for whatever they would fetch. It seems to me, Sir, that the department and its respective heads are so much enamoured of these dredgers that they refuse to part with these white elephants or buffaloes or rhinocerii, but whatever the reasons might be, in spite of the repeated demands of this House and in spite of the repeated assurances given, these dredgers have not yet been got rid of, and a lot of Government money is being wasted over these dredgers. We have been told year after year that in any event, even if they are sunk, we would have to pay the interest on the capital spent on their purchase. They have got to be paid, Sir, in any event, but why should we year after year pay more than a lakh of rupees for the maintenance of these dredgers? Last year, Sir, the then Hon'ble Member was pleased to say that any member who wanted to criticise the maintenance of these dredgers without being on them personally, ought to visit them first and that he would be "at home" to those who would like to see them. I do not know whether the present Hon'ble Member is going to repeat the same invitation to us, but though we may have "at homes" or not, I must suggest that these dredgers ought to be sunk in the Bay of Bengal now and at once.

Maulvi ABUL QUASEM: Sir, I rise to give my wholehearted support to the motion. In this connection, Sir, I would invite the

attention of the House to paragraph 84 of the Bengal Retrenchment Committee's Report, 1932. The paragraph is as follows:—

"We understand that one of the dredgers has been widely advertised for sale, but no offers have been received. In his Appropriation Report for 1929-30, the Accountant-General remarked as follows:—

'If those dredgers cannot profitably be employed in the near future, it might perhaps be considered whether they should not be disposed of. The sale proceeds will, in that case, go to a certain extent to reduce the annual liability of Rs. 10,41 lakhs in respect of loans taken from the Central Government, and will also result in a saving of Rs. 62,000 a year. Financially, it will not be an unsound proposition to sell them soon at scrap values, as in that case, the loss for their working expenses mentioned above will be avoided.'

With these observations we entirely agree."

This is the recommendation of the Retrenchment Committee. I ask of the Government, if no purchaser can be found, why should the dredgers not be sunk, as has been suggested by Mr. Basu? If that is an extreme and impractical proposition, why should they not be sold as scrap materials and the province relieved of this huge annual expenditure of Rs. 1,12,00 which is the figure given by Mr. Narendra Kumar Basu? Sir, there is no justification for the maintenance of these dredgers as they are doing little or no work. The province is groaning under a deficit Budget, and we find want of money everywhere; still the Government is spending money for no purpose here. This is an expenditure which cannot at all be justified. The sooner we get rid of these dredgers the better for the reputation of the Government as being really desirous of doing good to the people of this province.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government have been trying their level best to sell these dredgers, and we have been in communication with all the firms who deal in dredgers in England and other European countries. Dredgers are not common things, so you cannot find a purchaser immediately. Sir, we have been told the likely price we may get for these dredgers. I am not in a position to tell the House the actual sum as the file is not with me. They have asked us to wait till they can find some purchaser. In the meantime, I think if even within a year or so, we fail to sell them, it may be worth while considering whether we should sell them as scrap iron. But there is a prospect that we may be able to sell them somewhere in a foreign country. (A VOICE: "Is there any other unfortunate country like Bengal?") We are making an attempt, and we are not

sleeping over it. We are writing to everybody. Recently there was an advertisement regarding a large scale operation in the Port of Spain, and we suggested whether it would be possible to sell the dredgers to them, but they said that they would not be required. (A VOICE: "Try Honolulu.") One of the dredgers, *Foyers*, has been hired by the East Indian Railway, and it is earning Rs. 4,000 as hire charge. The *Ronaldshay* earned some money some time ago (A VOICE: "Two years ago.") But whatever that may be, we are trying our best to dispose of them in the best possible manner.

Mr. Narendra Kumar Basu's motion being put, a division was taken with the following result:—

AYES.

Bakah, Maulvi Syed Majid.
Banerji, Mr. P.
Barma, Babu Promhari.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Maulvi Nural Absar.
Cooper, Mr. C. S.
Cooper, Mr. H. G.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Ferguson, Mr. R. H.
Guha, Babu Profulla Kumar.
Guha, Mr. P. R.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Hussain, Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Mr. Hashem Ali.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Quasem, Maulvi Abdul.
Rahman, Maulvi Azizur.
Ray, Babu Nagendra Narayan.
Ray, Mr. Shanti Shekhareswar.
Rouf, Babu Hossai.
Sahana, Rai Bahadur Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Ramesh Chandra.
Shah, Maulvi Abdul Hamid.
Steven, Mr. J. W. R.
Walker, Mr. J. R.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Bai, Babu Lalit Kumar.
Benjamin, Mr. H. D.
Blandy, Mr. E. R.
Chanda, Mr. Aparna Kumar.
Cohen, Mr. D. J.
Das, Babu Gurupreed.
Dutt, Mr. S. S.
Faroqui, the Hon'ble Nawab K. S. M., Khan Bahadur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Hussain, Maulvi Latafat.
Marbu, Mr. C. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mukhopadhyaya, Rai Sahib Sarat Chdbdra.
Nag, Reverend S. A.
Nag, Babu Suk Lal.
Nazimuddin, the Hon'ble Khwaja Sir
Ray, Babu Amulyadhan.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Chdbdhuri, Babu Ram Chandra.
Sen, Mr. B. R.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr John.

The Ayes being 34 and the Noes 33, the motion was carried.

Mr. J. W. R. STEVEN: Sir, I beg to move that the demand of Rs. 12,62,000 under the head "XIII—Irrigation working expenses" be reduced by Rs. 100 (intentions regarding the maintenance of the eastern and western approaches to the Madaripur Bil Route Canal).

Sir, we have heard a lot about the decadent areas of Western Bengal, but we do not seem to hear very much about Eastern Bengal. The condition of the approaches to the Madaripur Bil Route Canal, both on the eastern and the western sides, has been such for the last 18 months that unless something is done soon, it is quite possible that the approach to Eastern Bengal through this route will be stopped entirely. It does not require any mention as to what steps will be taken when the Development Bill is passed. I admit that a sum of rupees one lakh and a half was spent on this route last year, but it does not seem to have had the desired effect. I have brought forward this motion in order to hear what the Hon'ble Member has got to say on this subject. I shall be much obliged if the Hon'ble Member will be so good as to enlighten us on this subject.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, owing to abnormal floods last year there has been heavy accumulation of sands in the Madaripur Bil Route. The Chief Engineer of the Irrigation Department has been touring with the representatives of the Steamer Companies and looking into this question. We shall try next year, as far as possible, to keep this route open between Calcutta and Eastern Bengal. We propose to undertake dredging operations, as far as possible, next year, but it is not possible at the present moment to give any definite idea as to the amount of dredging required. After the next flood season the Chief Engineer of the Irrigation Department will again inspect the area, and then dredging will be undertaken according to the requirements of the particular area. It is hoped that it will be possible to keep the Route open.

Sir, I oppose the motion.

Mr. J. W. R. Steven's motion was then put and lost.

Maulvi ABUL KASEM: Sir, I beg to move that the demand of Rs. 12,62,000 under the head "XIII—Irrigation—Working expenses" be reduced by Rs. 100, and my object is to draw the attention of the House, and, if possible, of the Government to the abnormally high rates charged for the supply of water from the Damodar and the Eden Canals.

Sir, the other day we were told, while discussing a piece of legislation, which is under consideration, that it is very reasonable, just, and fair that the State, which gives unearned profits to any particular people in any particular area, is entitled to a share of the profits. As far as the theory is concerned, there is no doubt about it, but the question is whether the profits are unearned or not. Here, I was earning and getting a profit as a result of my labours on the land, which was of a large amount. Sir, it is you—I mean the Government—have

by your action in neglecting—I say your action—to look after our welfare, you have reduced the fertility of the land, which was once exceedingly fertile and which has now been reduced almost to barrenness. To-day you say that you are prepared to do something for us. You want us to pay. Mr. Townend, the Development Commissioner of Bengal, says: "Whatever has been done in the past has been done. We may have done anything for you, we may have robbed you of your profits, but that is gone and past; don't revive that question; come along and pay for it and we are prepared to do something for you." Then, Sir, another official member on the Treasury Bench, Rai Bahadur S. N. Banerji, will bear me out when I say that for several years the question of the Damodar, the Eden Canal and the Ajoy has been engaging the attention of the department. They have visited the area, made estimates, submitted plans and made certain recommendations. But the Government thought that it was no use doing anything for it, and it was after a persistent agitation in this province that it was decided by Lord Ronaldshay's Government to have a big catchment area at the source of the Damodar and from that water would be got for these rivers and by which some amenities would be made to the people on the other side of the Ganges. A model was prepared by the Government of Bengal and shown to us at the Government House by the then Governor of Bengal, Lord Ronaldshay, promising that this would remove all our grievances. A few days ago we were told that now that the Reforms were coming, the finances of the Government of Bengal were separated and the Government of India could not undertake it, and as usual it was impossible for Bengal to do it. Therefore, the thing was given up. We cried and cried again and the Government said that they would do something for us, and that something was that we would have a sort of canal in the Damodar Canal—an apology for irrigation and drainage system of the district. This was done and I must say with a full sense of responsibility that His Excellency the Governor was not furnished with the proper data by the Department of Irrigation when he made his speech at Panagar at the time the canal was opened. He was not placed in possession of the full history of the case; but it does not matter. Anyhow, after the canal was made we were told and we are now told that we must pay water rates at Rs. 4-4 an acre, and the beauty of the whole thing is that the water rate in the Eden Canal is being raised from Re. 1-4 to Rs. 4-4 to make it uniform with the Damodar Canal water rate on a most illogical argument. The argument is that you may have paid Re. 1-4, but you did not get water. Now that we are going to supply you with water, you must pay Rs. 4-4. I expect the Hon'ble Member will say just now that all these questions will be considered after the Rural Development Bill is passed into law. But I say that this rate is abnormally high for our people even under the terms of the Development Bill. It is not taking 50 per cent. of the unearned profit. We

never have unearned profits. The rates are absolutely high and therefore I recommend without any chance of getting sympathy or consideration—I recommend to the House at any rate which is not very sympathetic to us that the rates which are abnormal should be reduced to Re. 1-4. Even now if the Hon'ble Member will enquire from his office, it might be said that they have got so much money out of this water rate. Of course people in desperation had to submit to this sort of taxation, but still if the Irrigation Department would supply him with facts and figures, it would be seen that a large number of people had not done so because they could not pay the high water rate. We are in a deplorable condition for which there is no sympathy in any quarter. The question is that you do not hold yourselves responsible for what you have done in the past, and therefore you say that as you are doing some improvement, you want to have every penny from us. I submit that after all the Government should have a sense of justice and fair play. Therefore, I wish that Government should consider this matter seriously and reduce the water rate at any rate till the time when the Land Development Bill comes into operation. That will give us at least some relief, and after the Bill is passed into law, we will see what the result is. There is another matter. If you care to read the reports of your District Magistrates—and some of our past District Magistrates are in the Secretariat as well as in this House—you will find that the district of Burdwan, at any rate Kalna, Memari and several other thanas, have been absolutely ruined not only economically but physically as well on account of the ravages of malaria. The report both of the Sanitary Officers and the District Officers is to the effect that the water channels, of which there are large numbers, namely, the Kana Nadi, the Saraswati, etc., have been silted up not by natural causes but because you have stopped the flow of water by your railroad. You do not allow the flow of water through the rivers Ajay and Damodar because you are deeply concerned with the Port of Calcutta and the Port Commissioners do not think it desirable that a large quantity of sand should be carried through the Hooghly. For these reasons we know we have to submit at present and will have to submit in future to a large extent in the interest of the other parts of the country. In placing this motion before the House I believe that a sense of justice will prevail here.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Mr. Abul Kasem has given no facts or figures for making the claim that the water rate is beyond the capacity of the people to pay. As a matter of fact, the water rates in Bengal are ridiculously low compared with the water rates in the United Provinces and the Punjab. The reports of those people who have taken water from the Damodar this year will show that the increase in crop is practically 50 per cent., if not 100 per cent.

The yield in the crop is high owing to the silt-laden water being put on the land. Therefore, it is obvious that it will pay the cultivators hands down to take the water and pay the water rates. The water rate is very small compared with the benefits that the cultivators will receive if they take the water. Therefore, I do not think that Mr. Abul Kasem has been able to make out a case showing that the water rate is too high.

As regards the Eden Canal, in reply to a certain question, I explained the position, and I would like to explain again that in the Eden Canal area the water rate was low, because Government were not in a position to supply the full quantity of water that was required for the purpose of cultivation. Now we are in a position to do so, and that will mean that the cultivators will get the maximum yield from the land if they take the water which we are in a position to give them. Therefore, there is no reason why there should be a difference between the rates levied in the Damodar Canal area and the Eden Canal area. The benefits and advantages are the same to the people in both the areas. Therefore, it is only fair that they should pay the same amount. On these grounds, I trust that this motion ought not to be supported by the House, and I would request the mover to withdraw it.

Maulvi Abul Kasem's motion was then, by leave of the House, withdrawn.

(At this stage the time-limit for the discussion of the demand was reached.)

The original motion of the Hon'ble Khwaja Sir Nazimuddin, as amended, was then put and agreed to.

20—Interest on other obligations.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,000 be granted for expenditure under the head "20—Interest on other obligations."

Mr. DEPUTY PRESIDENT: The next item that stands in the name of Babu Kishori Mohan Chaudhuri refers to loan policy. I think it is more appropriate that this question should come under item No. 728. Does Kishori Babu agree with me?

Babu KISHORI MOHAN CHAUDHURI: Yes, I have no objection.

(The Hon'ble Sir John Woodhead's motion was then put and agreed to.)

22—General administration.

The Hon'ble Mr. R. N. REID: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,05,05,000 be granted for expenditure under the head "22—General administration."

Sir, the heads into which this demand is divided are so many and varied that I do not intend to make any speech in support of this demand.

MOTIONS FOR REDUCTION.

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg to move that the demand of Rs. 2,99,000 under the head "22A—Staff and household of the Governor" be reduced by Rs. 100 (desirability of making over all the departments excepting Law and Order to the Transferred Departments).

Sir, I bring this matter with a view to draw the attention of Government that it is high time that almost all the departments, excepting Law and Order, should be transferred to the Transferred Departments. By this time the new Reforms should have been inaugurated, but somehow or other there is some delay. I make an exception in favour of Law and Order, simply because Government will be very anxious even under the new Reforms to have something by which practically all the powers could not be transferred—though in name and name only autonomy would be granted—however that is a thing which is not for me to discuss now. But as we are very anxious that these departments may be handed over to us and we may get an opportunity of administering these departments, we think that a sympathetic ruler like His Excellency Sir John Anderson should be glad to see how Bengal is in a position to take up the charge of these departments and how they can manage. There are three Ministers at present, and I think with the help of the Secretaries they can carry on the new departments or if necessary some additional Ministers may be appointed or some Council Secretaries may be appointed to help them. With the help of these officers these things can be well managed, and it will be a very good experiment to see how these things can be managed. There will be supervision, to see how things are managed by the people's representatives. Our Ministers are men who are quite competent to take charge of these and there is no reason why there should be a failure and as the law also permits this as I understand the law, I think some of the departments can be safely handed over to the Transferred Departments; this would relieve also the Executive Council to some extent, while at the same time the people will also get an opportunity of doing things

in their own way. This I say because it was anticipated long ago that by this time the new Reforms would have been introduced, in which case the people's representatives would have been able to take charge of these departments and manage their affairs well. But as there haa been some delay in introducing the new Reforms and as it is within the power of His Excellency to exercise the power of transferring these departments, these powers may now be exercised by him to the advantage of the people. With these few words I beg to move my motion by way of drawing the attention of His Excellency and also the attention of Government that it is high time that this should be done, *i.e.*, all the departments excepting the Department of Law and Order be transferred to the charge of the Ministers.

The Hon'ble Mr. R. N. REID: I gather from the paucity of speakers on this motion that it does not command very much support in this House, and I do not propose therefore to spend much time in replying to it. I should imagine that the reason why support to the mover of this cut motion is not forthcoming, is that members in general feel that a proposal of this sort comes now at the wrong moment. At present a Government of India Bill is half-way through the House of Commons and, surely, this is not the time to make a change in the present system of administration. Secondly, it strikes me that if we were to accept Babu Kishori Mohan Chaudhuri's motion as a desirable thing, the first thing we should have to do is to have a fresh election. The mover proposes to hand over all the departments, except Law and Order, to the Transferred Departments without testing the feeling in the country at large as to whether the present Bengal Legislative Council really represents public feeling in the country. However, Sir, I do not think that this House really wants to accept this motion, and I would therefore suggest to the mover that he might perhaps withdraw it in view of the fact that he has apparently no support in the House.

Babu KISHORI MOHAN CHAUDHURI: Sir, my only object was to draw the attention of this House to this matter and as this object has been served, I beg leave to withdraw my motion.

Babu Kishori Mohan Chaudhuri's motion was then, by leave of the House, withdrawn.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

Mr. SHANTI SHEKHARESWAR RAY: Sir, I beg to move that the demand of Rs. 12,000 under the head "22D—Executive Council" be reduced by Rs. 100 (failure to work the constitution in the proper spirit).

Sir, I am moving this motion with a view to draw the attention of the House to the failure on the part of the Executive Council to work the constitution in the proper spirit. Sir, the present constitution is based, as a reference to the preamble of the Government of India Act will show, on two important factors: one is that of increasing association of Indians in every branch of the administration and the second is that of progressive realisation of responsible government. Sir, I shall take this opportunity of discussing the contribution of the Bengal Executive Council towards this great goal set before the Government and before the country by the Government of India Act. So far as the question of increasing association of Indians—Indianisation as we call it—is concerned, the contribution of the Government of Bengal particularly in the Police Department is more or less nil. We have worked this constitution for over ten years, but still we find the highest offices in the Police Department in this province occupied by non-Indians as before, not a single Indian officer has been found fit to occupy the post of the Inspector-General of Police or of the Commissioner of Police, Calcutta; and not even has a single Indian been found capable in this province of occupying the office of a Deputy Inspector-General of Police. In other provinces, for instance, in Bihar, there have been Indian Deputy Inspectors-General of Police, but the Government of Bengal in the Reserved Department have not carried out the intentions of the framers of the Indian constitution in that direction. Sir, it is not possible for me within the short time to draw attention to all the sins of omission and commission on the part of Government and on the part of the Executive Council of the Government of Bengal. But I want to draw attention to this glaring injustice perpetrated on this province. Sir, in the course of the next few months the administration will be handed to the representatives of the people under the new constitution. There will be transfer of control. Well, that would be a great advancement and that will be carrying out one part of the policy which is embodied in the Government of India Act, but can transfer be successful. Can that experiment be successful if you had not tried to carry out the other part of the policy by entrusting competent Indians to man certain departments and placing them at the head of certain departments? In the absence of this training, this policy of transfer of Law and Order into the hands of the elected representatives would be certainly very dangerous. You can make the experiments under the pressure of public opinion, but you have not fulfilled the other necessary corollary before such an experiment would be usefully and fruitfully made. My charge against the Government of Bengal and the Executive Council is that they have if not wilfully but negligently failed to do their duty in this respect. Sir, now I shall try to place before the House, the result of the policy of the Government in the Reserved Department in another direction. I would refer to the relation of the Members of the Executive Council towards the Legislative

Council. In offering criticisms on this point I cannot avoid personality, but what I say, I say with all sincerity and not with any rancour or malice, and I hope my remarks will not be misunderstood. Sir, I would refer to one particular Member of the Bengal Executive Council who to my mind has committed outrage after outrage on this constitution and that is the Hon'ble Sir John Woodhead. Sir, I shall deal with his presentation of the Budget.

Mr. DEPUTY PRESIDENT: Mr. Ray, would you try to avoid personalities as far as possible.

Mr. SHANTI SHEKHARESWAR RAY: Yes, Sir. I would first refer to his presentation of the Budget. Well, the avowed object of the framers of the constitution of the British Parliament is the progressive realisation of responsible Government and the training of the people of this land and their representatives to acquire responsibility. Well, what has Sir John Woodhead done in that direction in the presentation of the Budget? Some years ago a prominent member of the British group suggested that with a view to enable the members of this Council to discuss all the heads in the Budget, the arrangement of the heads should be changed. Well, that suggestion has fallen on deaf ears. Under the present constitution the discretion has been given to the Finance Member to arrange the different heads of the grant that are placed before the House. Sir, it was up to him to meet this wish and enable members of this House to offer their criticisms on heads and items in the Budget which never come up before this House for discussion by this policy of following the same arrangement year after year. What happens is this: We devote our time practically on the same subjects year after year, while important items lower down in the arrangement never come up for discussion, and the result is we all miss the opportunity to discuss those subjects. Sir, the discretion to the Finance Member was not given under the constitution to avoid discussion but to give opportunity for discussion. What is the use of presenting the Budget, what is the use of putting these grants to the vote of the Council if a large number of items in the Budget year after year go undiscussed and uncriticised. If Sir John Woodhead had imbibed the spirit underlying the constitution, I think he would have accepted the suggestion and used his discretion towards a better discussion of the Budget. Then, Sir, another point that I want to draw attention to is this: I am again referring to Sir John Woodhead and his attitude towards the Standing Committees. Sir, under the present constitution and under the orders of His Excellency the Governor, Standing Committees have been appointed by His Excellency from among the members elected by this House with a view to tender advice to the Government. Sir, I happen to be a member of the Commerce Standing

Committee for the last three years or so, but not a single meeting of that committee was convened by the Member in charge—I mean the Hon'ble Sir John Woodhead. Sir, I have been a member of the Education Standing Committee for the last three years or so, and Sir John Woodhead is in charge of the Reserve Department of Education, and during the last three years not a single meeting of that Standing Committee has been convened under his chairmanship. The attitude of the Hon'ble Member towards these Standing Committees is certainly reprehensible. Sir, if you do not want the Standing Committees, do not appoint them, but when you have Standing Committees what is the use of having them as a sort of window dressing? In not convening these Standing Committees, in not placing before the Standing Committees important items of expenditure as you are bound to do under the present constitution, under the orders of His Excellency the Governor and under the present rules, you not only insult the Standing Committees, insult the House, but you perpetrate an outrage on the constitution. These Standing Committees are appointed with a view to enable members to get a training in administrative work. Sir, if it is your policy to shun them, well, you fail to fulfil a part of the obligations.

Sir, I would ask the members of the Executive Council to modify and change their attitude in this respect. If you do not do that and and if you persist in your present attitude, you only help in not developing a sense of responsibility among the members, but create a sense of irresponsibility among the members. Well, I have singled out the Hon'ble Sir John Woodhead, not that I have got anything personal against him, but because I happen to be a member of these two Standing Committees of which he is the chairman. Perhaps that is also the experience of the members of the other committees and perhaps the chairman of those committees also have failed to do their duty in this respect. Sir, I do not want to place before the House on this occasion other aspects of the question, broad questions of policy, on which the Government may be censured, but I shall content myself by drawing attention to this flagrant breach of the constitution that is being perpetrated, I hope, not wittingly by members of the Executive Council.

Dr. NARESH CHANDRA SEN GUPTA: Sir, when I looked at my friend Mr. Shanti Shekhareswar Ray's motion on the order paper, I was prepared for something more slashing and more fundamental. I think in discussing the failure of the Executive Council to work the constitution in the proper spirit, my friend has laid on rather lightly. What has the whole story of the last decade or more been? It has been a continuous and progressive disregard of the fundamental principles of the constitution in every aspect of the administration. (Hear! hear!)

Sir, with regard to the fundamental principles of the administration, nothing is more fundamental than what is conveyed by the words of the Statute and instructions of His Majesty to the Governor, that the people should be associated, as far as possible, in the administration. In particular, a provision in those Instructions say—

".....that those now and hereafter to be enfranchised shall appreciate the duties, responsibilities, and advantages which spring from the privilege of enfranchisement, that is to say, that those who exercise the power henceforward entrusted to them of returning representatives to the Legislative Council being enabled to perceive the effects of their choice of a representative and that those who are returned to the Council being enabled to perceive the effects of their votes given therein shall come to look for the redress of their grievances and the improvement of their condition to the working of representative institutions."

Sir, what a sad commentary upon this glorious message——.

Mr. DEPUTY PRESIDENT: Order, order. His Majesty's Instructions to the Governor have got nothing to do with the Executive Council.

Dr. NARESH CHANDRA SEN GUPTA: I am referring to His Majesty's Instructions to the Governor only because they happen to embody the principles of administration, as envisaged in the Government of India Act. The fundamental principle is that the people should be taught to appreciate their duties, responsibilities, and advantages of these institutions. They should be taught intelligently to follow the work of the administration and to cast their votes accordingly. But, what have the Government done in recent years? The Government and the Executive Council is the dominant partner of the Government and the only way they could carry out this principle was by prolonging the life of this Council beyond double its proper limit of life. That, indeed, is representative government with a vengeance; that is giving the people of Bengal representative government just as the Long Parliament was representative in the days of Charles II. That is how the Government have honoured the principles of the constitution. But, Sir, that is not all. Look at the whole history of all these years. What have the Government done? What has been their chief and absorbing interest? Once that disturbing element—I mean the Swarajists—had left the Council, the chief interest of the Government has been throughout, apart from terrorism and apart from police activities, to keep themselves in peace undisturbed by a turbulent Council; and in the meantime the one other absorbing interest has been to stick to the privileges which have been retained for the Indian Civil

Service and to make as much of them as possible. That is what has been done by the Government; but that is precisely the opposite of what has been envisaged in the Government of India Act and the Instructions to the Governor. There has been no pretence of any effort to carry the people with them, but to act in the teeth of the opposition of the people and to flout their opinion by prolonging the Council without going to the electorate for all these years. Sir, this is how the constitution has been worked in Bengal. It is nothing but a travesty of an attempt to follow the principles of the constitution.

Sir, let us now look to another aspect of the question. One of the fundamental principles of the new constitution was that the representatives of the people, through their Ministers, should work the nation-building departments—the departments which are intended to develop the resources of the country, improve the health of the people, and develop the education of the people and to make them in every way better and more efficient. Well, Sir, at the start of the constitution this pious wish broke more or less on the rock of finance: there were no funds. When the question of the allocation of funds came, the Executive Council—the Reserved side of the Government—stuck to the major share of the funds which they already had and they would not part with the least portion of it. This is how the funds in those days were partitioned. It was, however, conceded that when the new taxes were imposed by the Council, at least two-thirds of the yield from those taxes would be given to the Transferred Departments for the development of the nation-building departments. That understanding has been broken and deliberately broken. I pointed out some time ago in this House that whenever the question of retrenchment was in the air, it was the nation-building departments which suffered most and that when additional funds were available, it was the spending departments, especially the police, which has taken the lion's share out of it. That is how that principle has been worked. The principle of providing for the development of nation-building departments by the representatives of the people was always given the go-by. Then the whole idea of the people's representatives working the Transferred Departments has been transformed into a farce. And, for this reason, Sir, that the Executive Council has completely dominated over the Ministers. The Executive Council has dominated over the Ministry in many ways, but one of the reasons was that the subservience of the Ministers to the Executive Council was the price the latter had to pay for the support of the official bloc. The official bloc has maintained the Ministry. The Ministers have not therefore looked for support to the majority of the elected members, but have looked to the official bloc to help them to be kept in their places. That was just what was not intended by the Government of India Act; and that is how the constitution has been worked.

Then, Sir, let us see how the administration has prospered and flourished. One of the fundamental principles was that the new system of administration should not mean a lowering of the standard. Well, Sir, I ask the members of this House to lay their hands on their breasts and to say whether the standard in all departments is the same as it was, say 20 or 15 years ago. Sir, it has been demoralised in various ways. The police have been completely demoralised by being pampered in order to make them carry out the repressive programme of Government. I said here in this Council some years ago that the price which the Government of the future would have to pay for this tampering with the tender plant of integrity of the police in this way would be very great. I do not know whether the time for the reckoning has come, but it will come. It is not the police alone but all departments of Government have more or less suffered in their morale by reason not of the same cause that has demoralised the police but of the strong invasion of politics into public appointments. Public appointments have ceased to be made with sole regard to the maintenance of the high standard of efficiency in the services; public appointments have been made not exactly on Tammany Hall methods, but on methods which bear a family resemblance——

The Hon'ble Sir JOHN WOODHEAD: Sir, may I enquire whether the hon'ble member refers to the Executive Council or the Ministry?

Dr. NARESH CHANDRA SEN GUPTA: Sir, I have said that the Executive Council is the dominant partner of the Government.

Mr. DEPUTY PRESIDENT: Dr. Sen Gupta, would you please restrict your observations to your motion?

The Hon'ble Mr. R. N. REID: Sir, I would like to know whether Dr. Sen Gupta is referring to appointments made on the Reserved side by Members of the Executive Council or to appointments made by the Ministers on the Transferred side?

Dr. NARESH CHANDRA SEN GUPTA: Sir, I am very glad that the Hon'ble Mr. Reid wants me to be clear on this point. Am I to understand that there is an admitted difference between the Reserved side and the Transferred side with regard to the principles on which public appointments are made? If that much is conceded, I shall be content. But I am not referring to appointments of persons but referring to the principles on which appointments are being made——

Mr. DEPUTY PRESIDENT: Order, order. Is it by the Executive Council or by the Ministers?

Dr. NARESH CHANDRA SEN GUPTA: Sir, even in the case of the Executive Council new principles of appointment have been laid down since the Reforms by the Reserved side: principles by which considerations of efficiency have been deliberately allowed to be superseded by considerations of political expediency. Sir, I do not wish to go into details or into personalities, but I am sticking to this principle, *i.e.*, the principle under which appointments used to be made in the past from the sole consideration of efficiency. I would ask anybody whether that principle has been adhered to. The result will be found everywhere in the province—the standard of administration has gone down considerably. The people's representatives have not gained an upper hand—nothing which the Reforms was designed to secure has been done; and that is because the Executive Council once having got the control refused to work the administration according to the fundamental principle of the Government of India Act.

Mr. K. C. RAY CHOWDHURY: Sir, I do not wish to prolong this debate nor harangue my friends for more than a few minutes. My learned friend, Mr. Shanti Shekhareswar Ray, accused the Members of the Executive Council because they afforded no opportunities to the members of the Standing Committees to discuss important policies. Sir, with due respect to my friend, I am sorry to say that I have never heard a more silly statement regarding cut motions. We have found, Sir, that on many occasions there was no quorum in this Council when the Budget was under discussion. The matter of making lists of business has nothing to do with the Executive Council! There have often been occasions when "not moving, Sir" is the order of the day; people who table motions are not found in their places to move their motions! Yet, you come here and tell the House that the Executive Council is responsible for this and that. Your second accusation——

Mr. NARENDRA KUMAR BASU: I rise on a point of order, Sir. Is the member in order in not addressing the Chair?

Mr. K. C. RAY CHOWDHURY: Very well, I shall change "your" to "his." His second accusation is that the Standing Committtes are a farce. These Committees are constituted under certain rules and there is no statutory force behind them. He is perhaps thinking of the Corporation Standing Committees which are Statutory Committees and he is mixing them up with the Standing Committees of the Legislative Council. Once, Sir, I was a member of the Accounts Committee during the term of office of the late Sir John Kerr, and I remember that there was one solitary instance of a meeting in which

the Accountant-General raised some important matter and there were only a few members present. Now, my learned friend, the Doctor of Law, Dr. Naresh Chandra Sen Gupta, says that ever since this Council was constituted, that is, ever since the Council under the Montagu-Chelmsford Reforms was ushered into existence, in spite of entreaties and requests, there had been a continuous disregard of the fundamental principles of the constitution, viz., that the people should be taught to appreciate the duties and responsibilities under democratic institution. Does my friend forget the example of the Calcutta Corporation? Does he forget that the Municipal Act under which people are associating themselves with the principles of Local Self-Government? Does he forget the Hon'ble Minister Sir Bijoy Prasad Singh Roy who worked hard for months and months together for that Village Self-Government Bill as well as the Bengal Municipal Bill? There is good effect of those in every village and mufassal town. The people who come from the villages and mufassal towns should at least confess it. I can give many other instances, *e.g.*, the Primary Education Act. Of course, there is no money to work it, but the Act is there. Everybody knows that it is one of the best measures that could be enacted. It is not the fault of the Executive Council that no money was available. They could have helped the Ministers to borrow the money. But from debates I heard about the Rural Development Bill I don't suppose that you would put forward such a suggestion.

I next come to the question of political influence in the matter of appointments. It is we members of Council who influence the authorities in the matter of appointments. I say with the fullest knowledge of facts that it is we, the members of this Council, who go and interfere in the matter of appointments. Shall I give you a glaring instance? In the case of the appointment of the Registrar of Joint Stock Companies, it was on account of the interference in the right direction of an X. Y. Z, a British Service man that G. D. A. was preferred to a Chartered Accountant because Government wanted to encourage local talents. I know there was no political consideration here, although politicians wanted to upset that selection. There was a Selection Committee which kept itself aloof from political influence. The Selection Committees and the Public Services Commission have always tried to avoid politics. I do not want to go any further, but it is well known from one end of India to the other that politically-minded men are trying to interfere with public servants to the detriment of the people. Take, for instance, the Reserve Bank; but for the politicians who demanded seats on the Board things would have been functioning last three years. In future you have got to politicalise all appointments either here or in public life! What is happening in the Calcutta Corporation which is the people's Government so to say? It is politics that is the mainspring of appointments under that

body. (A VOICE: "That is like the Tammany Hall.") If you are anticipating the Tammany Hall business, it is no use abusing the Government for it.

Mr. P. N. GUHA: Mr. President, Sir, when I saw this motion tabled I thought that the debate over it would provide an excellent opportunity to review the working of the constitution during the last 10 or 12 years, but narrow shape given to the debate by my friend Mr. Shanti Shekhareswar Ray has disappointed me as it did Dr. Sen Gupta. Sir, the issue before the House is whether or not the constitution has been worked in proper spirit. Mr. Shanti Shekhareswar Ray has tried to make out that the constitution has not been worked in right spirit and he has thrown all blame on the shoulders of the Members of the Executive Council of His Excellency the Governor. Sir, I should at the very outset tell the House that I never believed that the constitution, defective as it was, could be worked with any great advantage to the people. My friends on the other side of the House, many of whom are expert lawyers, have tried to make out from the Preamble of the Government of India Act of 1921 that the constitution, if it had been worked in proper spirit, it could prepare the ground for a democratic constitution in future. Sir, the first principle on which a democratic constitution is based is that the Government under it will be of the people by the people and for the people. That the system of Government ushered into existence in 1923 under the present constitution was neither of the people nor by the people and not wholly for the people was emphatically declared by the Ministers of several provinces before the Muddiman Committee some years back. Yet there are people who think, and I am not ashamed to confess that I am one of them, that we could get something out of the present unsatisfactory constitution if we would have worked it in right spirit. That has not been done.

Sir, speaking of Bengal, it is an admitted fact that the constitution has not been worked either in proper spirit or in satisfactory manner, and I do not agree with my friend Mr. Shanti Shekhareswar Ray in thinking that the blame lies with the members of the Executive Council of His Excellency the Governor. On the contrary, I am definitely of opinion that we the people of Bengal are to be blamed for all that has happened. A brief survey of events will bear out the truth of my assertion. The Government of India Act was passed in 1921, but before the country could make any critical examination of the provisions of that Act, the Congress in its special session in Calcutta in 1920 declared a boycott against the constitution. That created a most embarrassing situation for the people and politically-minded men all over India had to make their choice. I need not repeat the old history but it is a well-known fact that many enthusiastic and sincere workers

in the field of politics all over India were compelled by [illegible] to shun the legislatures. Bengal fell in line with the [illegible] and the Congressmen here did their best to prevent fit and c[illegible] men to come to the Council. This, however, could not create an *impasse* and men of culture, position, wealth and influence were found to contest election. Lord Ronaldshay, the then Governor of Bengal, formed a Cabinet composed of men of sterling qualities. Sir Henry Wheeler, Sir John Kerr, Sir Abdur Rahim, Maharajadhiraj Bahadur of Burdwan, Sir Surendra Nath Banerjee, Sir Provash Chandra Mitter and Nawab Bahadur Nawabali Choudhury were the first members of the Cabinet. Each and every one of them was a giant and these seven men put their heads together to work the constitution in a right and proper spirit. The then members of the Executive Council had full confidence in their colleagues of the Transferred side and a very good team work began. A spirit of co-operation was visible all round. Sir, you were a member of the first House and some others who were there are present here to-day. All of you will bear me out when I say that the first set of the Executive Councillors did all they could to work the constitution in a right and proper spirit. They were ready to help the members of the House in every matter, and they gave all possible facilities to the Ministers to push on the work of the nation-building departments. I fully remember how on several occasions Sir Henry Wheeler and Sir John Kerr came to the Constitutional Club at No. 18, Harrington Street, to explain matters to and ascertain the views of the members of the Council. I assert from my personal knowledge that the then Members of the Executive Council were not only anxious to respect the wishes of the representatives of the people, but were further ready and willing to lend helping hands to the Ministers in their work. This greatly encouraged the Ministers, and it was with the full help and willing co-operation of the Members of the Executive Council that Sir Surendra Nath Banerjee succeeded in giving a full autonomous constitution to the Corporation of Calcutta. It is now the first and best autonomous public body in India, and Bengal would continue to get similar institutions in every district and every town if our beloved and reverend Surendra Nath were allowed to continue his work. Sir, no one need, however, think that there was no opposition in the Council then. There was a party consisting of Mr. Surendra Nath Mullick, Mr. Indu Bhusan Dutt, Kumar Shib Shekhareswar Ray and several others which opposed the Government tooth and nail in many matters, but the object of their opposition was not destruction. They were oppositionists, no doubt, but they were not non-co-operators. Their opposition and co-operation both were directed to secure the best interest of the country. They offered opposition not to hamper the activities of the Government, but to regulate them in the best possible lines. The members of the opposition had respect for the members of the Government and were ready to co-operate in the best of spirits.

The members of the Government on the other hand used to reciprocate these feelings and were never upset or sore over the movements of the oppositionists. My friend, Sir Bijoy Prasad Singh Roy, the present Minister of Local Self-Government, who was then a budding politician, introduced a Bill to amend the Village Local Self-Government Act. This Bill was opposed by Sir Surendra Nath and Sir Bijoy Prasad Singh Roy in his youthful energy directed a severe attack against the father of Indian nationalism. Sir Surendra Nath took it in the best of spirits and as soon as the Council was adjourned for tea, he went to Bijoy Prasad and said: "Bijoy, come and have your tea with me. I am proud of you." It will thus be seen that there was a spirit of co-operation all through and all concerned were anxious to work the constitution in a proper spirit. Here I feel it my duty to mention that the European group of that time, led by such eminent men as Sir Watson Smyth, Sir George Godfrey and Sir Willoughby Carey, were always anxious to work in co-operation with the representatives of the people.

Maulvi ABUL KASEM: On a point of order, Sir, are we here to have a lecture on ancient history?

Mr. P. N. GUHA: You are bound to have it. Then, Sir, the second period came in 1926 and everything altered with the advent of the Congressmen in the Council. For obvious reasons I will not enter into details, but I assert that the willingness of the people in the Government to work the constitution in a proper spirit did cease even when the Congressmen came to the Council with the declared intention of non-co-operating with the Government. It should be remembered that in 1926 Lord Lytton requested the late Deshabandhu Chittaranjan Das, who had a majority, to form the Ministry. The offer was almost contemptuously refused, and the Congress party began a relentless fight for destruction. The declared object of the party was the destruction of the constitution, and so all idea about working the constitution in a proper spirit vanished. They were there neither to work the constitution themselves nor to allow anyone else to work it. What then could the helpless Executive Councillors do? They were obstructed in every step and the fight against the Government was so severe and so keen that the members of the Government had to use all their powers, influence and strength to preserve the very existence of the Government. Ultimately, the Congressmen succeeded in seeing the constitution suspended, and Bengal had the unique misfortune of being governed for a pretty long period under the new constitution *minus* its main feature. The Presidency has not yet been able to get rid of the chaotic condition that was then brought in, and it is therefore no wonder that the "proper spirit" referred to by Mr. Shanti Shekhareswar Ray has not

been able to manifest itself. But the fault does not lie so much with the members of the Executive Council as much as it does with the representatives of the people. We have deliberately killed the spirit which manifested itself during 1923 to 1926. The late Deshabandhu Chittaranjan Das said in his memorable speech: "If I want to destroy the ugly structure of the Government, I want to do so for the purpose of building a beautiful mansion in its place." It may be our misfortune and misfortune of the Members of the Executive Council as well, but nevertheless it is a fact that no one has since made any attempt to build a beautiful mansion. On the contrary, evidence is not wanting to indicate that many of us are still bent upon the work of destruction. Why then blame the Members of the Executive Council alone? After all, they are human beings and you cannot expect that they will continue to show a spirit of help and co-operation even when you kick them right and left.

Sir, I will conclude by saying that no useful purpose will any longer be served by discussing the working of the present constitution which will lapse in a few months' time. Our aim and object should now be to see that the coming constitution is worked in a right and proper spirit. Sir, it is admitted on all hands that Bengal has fallen into evil days and the Bengalees are being despised everywhere. My days have been finished, but I appeal to the younger generation to think seriously over the future of our motherland. The policy of destruction will never pay and no one will be able to help you unless you help yourselves. The experience of the last 12 or 13 years should serve as an eye-opener to every patriotic son of Bengal and Bengalees should jointly and severally take a vow to work the coming constitution, however defective it may be, with the sole object of the advancement of the province as a whole.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, whenever on previous occasions I have in this Council ventured to make one or two very inoffensive remarks about the nominated members of this Council, my esteemed friend Mr. B. A. Nag has been always up on his legs and protested strongly against the making of such remarks against nominated members. One burden of his song has always been that we, the nominated and elected members, are all tarred with the same brush! Well, Sir, to-night we have had not the lion painted by himself but another animal in the lion's skin giving us his confession, and talking about Mr. K. C. Ray Chowdhury who, I am sorry to see, is not in the Chamber now, and who ventured to say that the Executive Government were quite justified in ignoring the Standing Committees because, forsooth, there was no work for them to do—I would ask Mr. Ray Chowdhury and others of his way of thinking to look at the Council Manual for rules for Standing Committees at pages 344 and 345. In

the rules for the working of these Standing Committees it is said in paragraph 4 that the following matters shall be laid before the Standing Committees:—

(1) all major questions of departmental policy;

(2) all schemes involving large expenditure;

(3) annual reports issued by the departments concerned; and

(4) any other matters concerning the departments on which the Minister or Member may desire their opinion.

And there are provisos excluding urgent matters, but it is news to everybody in this Council that during the last few years there have been no major questions of departmental policy, no schemes involving large expenditure, no annual reports issued by the Departments of Police, Judical and Jails, Local Self-Government, Medical and Public Health, Education, Commerce and Marine, Public Works, Irrigation, Agriculture, Excise, and Land Revenue. That, Sir, is one part of the confession of this nominated member. The other part of the confession —a confession that I heard with amazement—was that he had personally taken part in exerting political influence upon the members of the Cabinet for securing appointments for his friends and relations. Firstly, I do not think that this nominated member has any political influence at all. Secondly, for a man who says that he has exerted his political influence in order to secure appointments for his friends, dependants and relations, I submit, Sir, that is condemnation enough out of his own mouth for this Council to refuse him a hearing. So I submit, Sir, and Mr. Nag will bear me out when I say that all nominated members are not like him: they are not tarred with the same brush. There may be among the nominated members people who are confessedly—well I do not know whether the term I am going to use is a parliamentary expression—who are confessedly no better than mokes.

Maulvi ABUL KASEM: Sir, these discussions have not even an academic value, but at any rate they give us an opportunity to express our opinion on men and things. It is certainly true that Government has not given the Standing Committees—although I have never been a member of any one of them, nor do I hope to be a member of any one of them—any opportunity to express their opinion on any matters regarding any department of Government. I have got no personal opinion in this matter and therefore I cannot speak with authority, but I would say this, that the members on the Treasury Benches are at the present moment in an awkward position. They have to cry and cry themselves hoarse to be saved from their friends. We have heard a speech from Mr. K. C. Ray Chowdhury in criticism of this motion, and I would draw the attention of the House to the speech of

Mr. P. N. Guha. Mr. Guha speaks in very excellent language and in good terms about the great Constitutional Club, and I hope he also meant to speak of the great Union Club, but I think, Sir, the less he had said about it would have been better. This Constitutional Club was not meant to bring the people into the confidence of Government or for discussing matters with them, but was intended purely for accommodating the members of the Legislative Council, mostly Muhammadans, and they were left to discuss matters among themselves, and come and vote in support of the Government and the Ministry. The Union Party, so far as I know, was started with the same object. It was called the Union Party because some Hindus and some Muhammadans joined it. There was unity between certain Hindus and certain Muhammadans, but it was an united party only so far as the Ministry was concerned and when the Ministry required support, but both the Constitutional Club and the Union Party vanished into air as soon as the Ministry went down. If there had been a party actually in force and willing to work the constitution and had really intended to bring into contact the non-official members and the official bloc it would not have ceased to work after the breakdown of the Ministry. Some of the stalwart supporters and prominent leaders of both the Constitutional Club and the Union Party will perhaps bear me out when I say that it was never intended to work the constitution by instructing the people, by educating the people or teaching them a sense of responsibility as Dr. Sen Gupta has said, for administration. But I think that Mr. Shanti Shekhareswar Ray, now that we have had so much of academic discussion, should withdraw his motion for the very simple reason that it is too late in the night to discuss what the Executive Council or the official bloc are doing to-day. Let us rather, with these experiences, begin with a clean slate now under the new constitution whenever it comes. But, Sir, I strongly join hands with Dr. Sen Gupta in his remarks against the Executive Council. It is the Executive Council that advises His Excellency, although it is His Excellency who alone is responsible for this—about prolonging the life of this Legislative Council beyond the legitimate period. Sir, this Council is superannuated and, therefore, it is not fit for any action, and secondly, its members also are superannuated like this House.

Mr. DEPUTY PRESIDENT: Order, order. Mr. Kasem you cannot cast any aspersion on the members of this House or the legislature.

Maulvi ABUL KASEM: Sir, I only said that the members were also superannuated and in saying this I did not mean any disrespect to the House.

The Hon'ble Sir JOHN WOODHEAD: May I rise on a question of information? Did Mr. Abul Kasem last year sign a requisition for the extension of the life of this Council?

Maulvi ABUL KASEM: No, Sir. With due respect I submit that I never signed last year any such requisition, and last year also I raised this question about the extension of this Council at this time. For the very reason that this Council has been prolonged, no member seems to take much interest in these debates or in the work of the legislature and, therefore, for that reason I support Mr. Shanti Shekhareswar Ray's motion.

Babu AMULYADHAN RAY: I do not support the motion of Mr. Shanti Shekhareswar Ray. However, I certainly entirely agree with those remarks of his which he made in connection with the Standing Committees attached to the various departments, and think that for this the Cabinet as a whole is responsible. Sir, the Standing Committees are in the way of being paralysed bodies and, therefore, it is the duty of the Cabinet as a whole to see that these Committees in future discharge their function properly.

Sir, Dr. Naresh Chandra Sen Gupta has said that the constitution has been violated by extending the life of the Council. Certainly I do not agree with him in this respect. Extraordinary circumstances require extraordinary measures, and in view of the impending advent of a new constitution, the Government have been perfectly right in extending the life of the Council. Then it has been said by Dr. Naresh Chandra Sen Gupta that the principle of efficiency has been superseded by the principle of political expediency. I do not think that Dr. Sen Gupta has made this remark very seriously. I think he knows perfectly well that this principle is followed more consistently in the Corporation of Calcutta than in the Writers' Buildings. Sir, I will not take much of your time and have nothing more to add to what I have already said.

Mr. P. BANERJI: Sir, in rising to support the motion moved by my friend Mr. Shanti Shekhareswar Ray, I am glad to find that none of the speakers who spoke before me differed from his viewpoint that the constitution has not been worked with a proper spirit and in the right direction. Mr. P. N. Guha has said that many prominent members of this Council used to go to the Constitution Club with a view to co-operation. I beg to differ from him, and can tell him that the object of the members of this Council who used to go to the Constitution Club was to gain support. Before the coming of the Reforms the people thought that they were going to have real responsible Government. When, however, the Reforms came they found it to their utter disappointment that it was quite otherwise. At first the Congress welcomed the Reforms, but when they found out that it was nothing but a sham Reform, they turned against it.

Mr. DEPUTY PRESIDENT: Mr. Banerji, you had better confine yourself to the question of Executive Council.

Mr. P. BANERJI: I am discussing the policy of the Government and am trying to meet some of the points raised by Mr. P. N. Guha. I say that the people cannot be blamed for carrying on an agitation against the Reforms. They found out the utter hollowness of the Reforms and they agitated. Sir, here in this country men are sent to gaol for speech or action for which in other countries they become leaders of parties and Ministers and Prime Ministers. Here in this country of ours men are sent behind the prison bars for supporting a popular cause. Hence, our resentment towards the Government. Only a few years ago two members of this House, Messrs. J. L. Banerjee and Syed Jalaluddin Hashemy, were sent to gaol, but the seat of the former was not declared vacant, while that of the latter was declared vacant. I can say that nowhere such invidious distinctions are made. The Executive Council in this country is all-powerful and they do what they like. They are sending every now and then a large number of men to gaol on sedition charges. May I know from the Hon'ble Member of the Executive Council who is in charge of that particular department how many seditionists are there in this province? Even if it be the policy of the British Government at Home to grant us responsible Government, it is these Hon'ble Members of the Executive Council who will staud in the way. Many organisations and associations have been declared illegal without any reason or rhyme. Mr. Chaudhuri was telling us about the Reserve Bank. Well, it would have been established long ago had not the people opposed it. I fail to understand the utility of the Reserve Bank if it is not under the control of our Ministers. Almost all the labour organisations in this province have been declared seditious, because Government is apathetic to the cause of labour. In some cases the labour organisations are looked upon as communist organisations. It may be that some members of a particular organisation may have communistic views, but for that reason the whole organisation cannot be declared illegal. It is open to Government to proceed against those particular members who possess such views and act according to those views. There is just another matter to which I will refer. Is it not the duty of Government to help Indian industries? What are they doing in this matter? They have tabooed the manufacture of salt and they say it cannot be manufactured.

Mr. DEPUTY PRESIDENT: Well, Mr. Banerji, we are now discussing the Executive Council and not Indian industries and manufacture of salt.

Mr. P. BANERJI: Sir, I am discussing the policy of Government. Sir, we on this side of the House think that Members of the Executive Council are solely responsible for not working the Reforms in the way meant by the framers.

Maulvi ABUL QUASEM: Mr. Deputy President, Sir, Mr. Shanti Shekhareswar Ray's motion is meant to criticise the Reserved side of the Government for not working the constitution in the proper spirit. I have no desire to cover further the ground which has been so extensively traversed by the mover and other speakers. I shall, however, only refer to one of the questions. That is the question of the Standing Committees and how these Standing Committees work. What do these Standing Committees do, after all? What do they do right through the year? I find that two whole pages of the Council Manual are devoted to what these Committees will do, their constitution, and what matters should be placed before them, *vide* pages 344 and 345 of the Bengal Legislative Council Manual, 1927. Sir, when in the latter half of the year 1932 I had the honour and privilege of being elected a member of this Council, I scanned the list of members of this Council and found in an Appendix the names of the members elected to the Standing Committees by the suffrage of the members of this House. Sir, at once the ambition seized me to get myself elected at least to one of these Committees. I tried—thanks to the goodness of my fellow-members—and I got myself elected to two of these Committees for 1934. Sir, I got myself elected to two Standing Committees, viz., the one attached to the Department of Education and the other attached to the Departments of Medical and Public Health. I had the good fortune of being summoned to one meeting of the Education Committee; I do not know if there was any meeting of the Medical and Public Health Committee—at least I received no summons to attend any meeting of that Committee. The matters that are required to be placed before these Committees are of very serious importance—at least the rules relating to these Committees leave no doubt in the minds of anyone that very great importance is attached to these Committees. All major questions of departmental policy, all schemes involving large expenditure by the departments concerned, and any other matter on which the Member or the Minister concerned might desire the advice of members of these Committees are required to be placed before these Standing Committees. Sir, I do seriously ask Government: Why are not meetings of these Committees held more frequently? Why are the members of these Committees treated so light-heartedly? Why are they at all asked to get themselves elected to the Standing Committees if Government do not attach any importance to their functions? Why is the farce indulged in of printing the names of members of the Standing Committees in the Appendix to the list of members of this Council? Why is this cost of printing these names in the list twice—if not more—every year incurred, if these Committees are of no importance? They—at least some of them—are rarely summoned and they are never treated in the way they are meant to be treated so far as these rules go. Sir, so far as the Standing Committees go, I do speak from personal experience when I say that if the constitution is to be properly worked, the

members of this Council should be taken into the confidence of Government in regard to every major policy concerning each department, and also in regard to the annual reports to be issued by the departments concerned and every scheme involving large expenditure. If members are to be taken into confidence by the various departments of the Government, why are not Standing Committees summoned more frequently and why are they not consulted more frequently? Even when the Council is not in session, there is a provision that members summoned from the mufassal should be paid their travelling expenses. Further, when the Council is in session, why are not members of these Committees summoned to attend meetings, because it involves no additional travelling expenses?

Sir, I do not take my views from others; but here is a thing on which I can speak from my own personal experience. I feel, therefore, that Government are not very really anxious to consult these Committees and take us into their confidence and obtain our views on major questions of policy, etc. It is high time that the members of this Council should be taken into the confidence of Government seriously. So far as the spirit of working the constitution goes, the members of this Council have been totally ignored; and I do protest as vehemently as I am capable of against the wrong spirit in which the constitution is being worked. If Government do no repose in us that amount of confidence, it is because Government do not trust us. Therefore, Sir, I feel that we have a legitimate grievance. What are we doing? Sir, the truth is that we are only allowed to make some noise in the Council but not to exercise any real influence on Government. Are we really able to make our influence felt on the members of the Government? No, not in the least! I therefore feel, Sir, that the constitution has not been worked in the proper spirit as it ought to have been, and I do join with my friend, the mover, in condemning the administration.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I think that the debate could be cut short if an assurance from the Treasury Bench were forthcoming that henceforth everything would be put in order and that the Standing Committees would be convened regularly in future. I am sure that this assurance will pacify my friend, Mr. Shanti Shekhareswar Ray. What is the use of allowing the debate to continue? If, at this juncture, the members of the Treasury Benches could give us this assurance, I think the debate would be closed.

Babu KISHORI MOHAN CHAUDHURI: Sir, it is a very important motion. It is a review of the action of the Government on the Reserved side for the last 13 or 14 years. My friend, Mr. Shanti Shekhareswar Ray, has brought forward this motion in proper time,

because practically we are almost at the close of the Montagu-Chelmsford Reforms. It may be that this is the last occasion when we have got an opportunity to speak on the Budget and the general administration of this province. We may get another extension—for how long and for what period we do not know. However, I think that taking a dispassionate view of the situation, we must come to the conclusion that Government under the Montford Reforms has been a failure; and for that failure the Executive Council is responsible. The first cause of failure is the unfortunate Meston Award. Why was such a mistake committed then? Even after so many years we have not been able to ascertain the reason how such a mistake was committed in calculation? At the outset a large amount of money was in our hands for the development of education and sanitation—I believe over 3 crores or near about that figure. When the Meston Award came, we found that Bengal was a very prosperous province and there was a surplus revenue of Rs. 1,04,00,000 and something had to be paid to the Central Government as contribution and something has to be reserved for the development of the administration. But, unfortunately, when the new Budget was introduced, we found that there was a huge deficit and within a year the whole amount set apart for the development of education and sanitation was swallowed up. We protested, Sir, I remember I myself made a protest that the Government could not touch the money that was earmarked for a special object, but our protest was not heeded to. The fiat came forth that the Government could spend the money at its disposal for the ordinary needs of administration. A deputation had to be sent to Simla to point out that there was a mistake committed in the Meston Award and that deputation was headed by the late Sir John Kerr who was the then Finance Member, but it came to no purpose. Very soon it became necessary to impose further taxation for meeting the ordinary expenses of Government. His Excellency the Governor came to this Council and the Council was assured that the jute tax would be ours and until we got that we should have to impose some additional taxes and that as soon as we got the jute tax, the proceeds from the new taxes imposed would be devoted to the development of the nation-building departments. There was, however, a remission of the provincial contribution amounting to Rs. 63 lakhs which Bengal could not afford to pay, but no real relief was granted to Bengal; even now it has not been granted. Only half the jute tax has been given to us this year. The Executive Councillors ought to have seen whether in that state of things the administration could be managed. For the last few years, we have found that overdrafts could be made on the Central Government for meeting the ordinary expenditure of Government. Why then was the sum specially set apart for the development of education and sanitation allowed to be swallowed up for

meeting the ordinary needs of administration? It was a mistake on the part of the Bengal Government to count upon the support of the Central Government. If it was not possible for them to set it right, what right had the Bengal Government to continue in that situation? The Government of India ought to have been told that the administration of the Bengal Government could not be carried on. I do not blame Sir John Woodhead as he was not the Finance Member at that time, but he is the successor of that branch of the administration on the Reserved side, and that side is really responsible for these things. However, as I have said, a mistake was committed; but how is it that the mistake could not be corrected? Some of us were under the impression that the Reforms would be of some use and many of us came here in that hope, in spite of the difference of opinion which existed at the time of the introduction of the Reforms. Of course, Sir Surendra Nath was then here and he tried his level best to do some good to the people, but he was powerless. When we found that nothing could be done for the nation-building departments, we proposed—I believe there was a resolution tabled—that at least 40 per cent. of the revenues should be set apart for the development of education, agriculture and sanitation and other nation-building departments. That was not done. There was a deficit. Still the police expenditure was increased gradually, but nothing could be done for the nation-building departments. This state of things brought about the terrorist movement in Bengal. When people saw that nothing could be done for the nation-building departments, nothing could be done for the benefit of the people, naturally a resentment came amongst the educated community that this Government was not good for the people; it was only for the continuance of the bureaucratic Government and people would not depend upon it. That was the reason why the late Sir Surendra Nath Bannerjee failed to come to this Council. He was the leader of Bengal, but his position was affected simply because in spite of his utmost attempts, he could not do much for the rising generation. When such was the state of things in the country, the late Deshbandhu C. R. Das came to this Council. He was no doubt offered the Ministership, but how could he accept it knowing full well that it was for no good to the country? Nothing could be done for the nation-building departments and the top-heavy nature of the administration would not be given up. The bureaucracy was bent upon continuing that sort of administration without caring whether the people were satisfied with the Reforms or not. Without paying any heed to the demand of the people, only the executive side of the Government practically took the major portion of the revenue and the top-heavy administration was carried on for what earthly purpose we do not know. Whether it was for securing co-operation or submission of the people at every stage that the top-heavy administration was

maintained we do not know, but the result was that nothing came out of it, and the only thing that the late Deshbandhu C. R. Das could do was to disallow the pay of the Ministers and the Ministers had to cease to work for about a year. The administration was managed by four Executive Councillors without the help of the Ministers. When it was found that that sort of top-heavy administration should not continue, we carried a resolution in this Council urging upon the Government to reduce the size of the Cabinet; we suggested that a Cabinet of two should be sufficient. This resolution was carried by a large majority, but then again nothing came out of it. That was the way in which the co-operation of the people was sought. Whether it would be called co-operation or submission I do not know. If we submitted, we were looked upon as good boys; otherwise, we were considered as terrorists and non-co-operators. To my mind the non-co-operation movement came in for the action of the bureaucracy. The bureaucracy cannot say that there was good administration for which the people ought to be loyal and should be enamoured of it. First let live and then do anything. This principle was lost sight of. As nothing could be done, unemployment gradually increased. When the non-co-operation movement came in, we requested the Government to do something for the people. In these days you have been able to take shelter under overdraft; crores and crores you are taking from the Government of India. Why could you not borrow then? The late Deshbandhu C. R. Das, I think, submitted a constructive proposal, but no action was taken upon that. Mr. P. N. Guha is not right in saying that the late Mr. C. R. Das came in to destroy and not to construct. I say his constructive proposals were not accepted by Government. When the non-co-operation movement came in, only repressive measures were taken and nothing was done to solve the problem of unemployment, nothing for the benefit of the people. What was more, Sir, when the fight was very keen, one class was set upon another. Some Muhammadan *goondas* were set upon the Hindus and *vice versa*.

(At this stage the member having reached his time-limit was allowed two minutes' extra to finish his speech.)

All that I say is that really the matter was not tackled in the proper spirit. The administration was really a failure: no diagnosis was made of the real disease: the root of the evil was not taken into consideration. Only a repressive policy was pursued and nothing was done for the benefit of the people. That is the sum total of the administration for these 14 years, and we do not know what is in store for us in the future. My friend, Mr. Shanti Shekhareswar Ray is right in bringing forward this motion, and we should calmly consider whether the administration was conducted in the proper spirit. It should also be considered whether the Ministers or the Members of the

Executive Council were responsible for this. If we see things in their proper perspective, then there is no other conclusion than to say that the Executive Council side is fully responsible for this error of judgment on the part of Government.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I rise on a point of personal explanation? I understand—I was not in the House then—that it was alleged by Mr. Abul Quasem, the member from Khulna, that the Medical and Public Health Standing Committee of which he was a member never met during last year. I do not think it is correct. The Standing Committee did meet and did discuss the reports and important questions of policy. It did meet more than once, if I remember aright. Rai Bahadur Dr. Haridnan Dutt and Mr. Satish Chandra Ray Chowdhury, who were members of this Committee before the last election, would bear me out whether they did meet and consider important questions or not.

There is another point to which I would like to reply. If I understood Dr. Sen Gupta rightly, his allegation was that the Members of the Executive Council dominated over the Ministers and influenced them to make appointments on political considerations. Nothing of the kind. I strongly repudiate that charge. From the Members of the Executive Council we had absolute co-operation and not domination. I can say that during the last four years that I have been in charge of the departments under me not a single appointment was made on political considerations. I challenge anyone to produce evidence in support of the allegation, and I am sure that has been the policy of my colleagues as well.

Maulvi ABUL QUASEM: On a point of personal explanation, Sir, what I said was that as a member of the Public Health and Medical Standing Committee for the year 1934 I did not receive any notice of a meeting, nor was any sitting of the Committees summoned to my knowledge. I did not categorically deny that any meeting was held. I said I did not receive any invitation to attend any meeting of the Committee.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Mr. President, Sir, I think a word or two is due from me as regards the Education Department. Being a new recruit to the Treasury Bench, I had not got in until late in June; only last month I called a meeting of the Education Standing Committee. There were very important matters concerning the Wakf Act as well as the policy of the Education

Department in one or two matters, and we referred them to the Standing Committee, and I am very grateful for the help that the members gave me.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. Is the Hon'ble Minister replying on behalf of the members of the Reserved side?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: No Sir, I am simply replying on behalf of the Education Department, because an attack was made not only against the Reserved side but also against the Transferred side.

Rev. B. A. NAG: Mr. Deputy President, I did not want to speak on this motion, but I thought I would be failing in my duty if I did not speak something of my experience of the Standing Committee of which I was a member for three years. It was a sad experience that the people who are very vocal in criticising Government in this House are not to be found at the Committee Meetings, when they are called.

Mr. SHANTI SHEKHARESWAR RAY: But how many such meetings were held?

Rev. B. A. NAG: It was a very disgusting feeling with me indeed, Sir, that the members did not attend the meetings and to find that out of four members only one was present. Some of my friends here, particularly my friend Maulvi Abul Quasem, said that the Committee of which he was a member had no meeting. But subsequently he corrected it by saying that at least he had received no notice, and I wonder why an earnest member like him did not write to the Secretary of the Department why he did not call a meeting of the Standing Committee. Is that the measure of his interest—that he did not think it fit to write to the Secretary of the Department:—"Here I am a member of a particular Committee and why no meeting was being held; what are you doing?"

Maulvi ABUL QUASEM: I have condemned it at the first opportunity.

Rev. B. A. NAG: Then, Sir, some of my friends and I feel very shy to speak of my friend Mr. N. K. Basu who, in this connection, referred to major questions of departmental policy, and of schemes involving large expenditure, and he seems to have taken it for granted that there have been no major questions of departmental policy, no

schemes involving large expenditure and annual reports, etc., but Sir, the question is not that. The question as a member of the Standing Committee to my mind is this: Has any member in any Committee ever raised that question—was there any major question of departmental policy raised in the meeting and has that information been refused?

Maulvi ABUL QUASEM: On a point of order, Sir. Are not the proceedings of the Standing Committee confidential?

Mr. DEPUTY PRESIDENT: Yes, they are, Maulvi Abul Quasem. How can they be then referred to on the floor of the House?

Rev. B. A. NAG: What am I referring to? I am simply saying that instead of raising the question here the members ought to have raised the question in the various Standing Committees, which are the proper places to discuss such questions whatever that Standing Committee may be. He should have enquired of the Secretary concerned—"have you got Mr. Secretary any major question of departmental policy; have you got Mr. Secretary any scheme involving large expenditure; have you got Mr. Secretary any annual report, etc.," if those members were refused any information, on those subjects, then I could have joined them in condemning the Standing Committees. But Sir, my point is: Government would co-operate only when the members co-operate. If a member is so indifferent that he even does not care to know or to interest himself to the extent of being present and then comes here and says that he did not receive any information or any notice of a meeting, Government could not be blamed and I wish Maulvi Abul Quasem had said so at the first instance.

Maulvi ABUL QUASEM: I did say so at the first instance.

Rev. B. A. NAG: I strongly oppose this motion of my friend Mr. Shanti Shekhareswar Ray.

The Hon'ble Sir JOHN WOODHEAD: Sir, I was the subject of attack by Mr. Shanti Shekhareswar Ray, on two points. First, he alleged that I did not from year to year vary the order in which the demand for grants are made to this Council. But I found it difficult to follow his argument. He appeared to imply that some of the grants never come under discussion. But I believe last year every grant came under discussion.

Mr. SHANTI SHEKHARESWAR RAY: What about Courts of Wards?

The Hon'ble Sir JOHN WOODHEAD: It is quite true that every motion relating to a grant does not come under discussion. And surely the Council does not expect that the 700 and odd motions which appeared this year on the agenda, can all be discussed within the period fixed under the Standing Rules and Orders; that is obviously a physical impossibility. Again, I can well imagine Mr. Shanti Shekhareswar Ray standing up and trouncing me if, for instance, I had put the police grant at the end, instead of nearer the beginning of the list of demands. In that case would he not immediately say: "I (Mr. Shanti Shekhareswar Ray) wanted to discuss the police grant; why have you put it near the end? Presumably because the Executive Council does not want the police expenditure discussed."

Sir, the order of demands is in accord with the order of the major heads in the accounts; the major heads of account with which we in this province are concerned are numbered "5—Land revenue," "6—Excise," "7—Stamps," etc., and the demands for grants are put on the list of business in that numerical order, and I think it would be entirely wrong, and I should lay myself open to a great deal of criticism, if, in some endeavour to meet what I considered to be the wishes of some members of the Council, I were each year to play about with the order in which these demands for grants are put before the Council. Sir, the solution of the problem which is troubling Mr. Shanti Shekhareswar Ray is not to be found in a yearly rearrangement of the order of the demands for grants on the list of business, but in an arrangement whereby the members of the opposition, the members of the different parties, come together and decide on what particular subject or subjects each party wishes to have a discussion. That is the procedure adopted in the Legislative Assembly. If members of this Council will abandon individualistic tendencies and work as members of a group or party and decide what particular subject or subjects each party wishes to discuss, Government, I am sure, would be willing to co-operate in allotting time for the subjects chosen by the parties. That is the procedure followed in the Legislative Assembly for the discussion of demands for grants. But as long as the present individualistic tendency continues it is inevitable that subjects to which certain members or groups of members attach importance, will not come under discussion.

Secondly, Sir, I was attacked for my attitude towards Standing Committees. As regards the Education Standing Committee I have a perfectly clear conscience as I am not the Chairman of that Committee. The Education Committee is presided over by the Hon'ble Minister in charge of the Education Department.

Mr. SHANTI SHEKHARESWAR RAY: On a point of personal explanation, Sir. I was told by the Secretary to the Education

Department that the Chairman of the Standing Committee on the Reserved side of the Education Department was Sir John Woodhead.

The Hon'ble Sir JOHN WOODHEAD: If Mr. Shanti Shekhareswar Ray will only read the rules, he will find that there is only one Education Standing Committee, and the Committee I can assure him is presided over by the Hon'ble Minister in charge of the Education Department.

Mr. SHANTI SHEKHARESWAR RAY: But what about Education Reserved?

The Hon'ble Sir JOHN WOODHEAD: As regards the Commerce and Marine Departments' Standing Committee I do, however, plead guilty to not having summoned the Committee during the last three years. But the Commerce and Marine Department deals with subjects which merely have important questions of policy: the Marine Department deals, so far as the Local Government is concerned, almost entirely with the maintenance of Government launches, and with the survey of inland steamers. The expenditure is also small, about rupees five lakhs a year and further, Sir, that expenditure has not varied to any appreciable extent during the last three years. Certainly I feel I can honestly say that during the last three years we have not dealt with any major question of departmental policy in the Marine Department and that we have not had under consideration any scheme involving large expenditure. On the Commerce side, we are chiefly concerned with the inspection of factories, smoke nuisances and electrical undertakings. Here again the expenditure is small, in the region of two lakhs a year. In the Commerce Department also we have not during the last three years considered any scheme involving large expenditure; nor, so far as I know, any major question of departmental policy. That, Sir, is the reason why this particular Standing Committee has not been summoned. As regards the annual reports they were circulated to the members of the Committee, but I did not think it worth while to summon the members of the Standing Committee to a special meeting, to examine what are after all very ordinary and somewhat uninteresting departmental reports. So much, Sir, for the Standing Committees; I have nothing more to say on that matter.

Dr. Sen Gupta made a statement—which I could not follow—that a promise was made that two-thirds of the revenue produced by the additional taxation imposed in 1922-23 were to be devoted to the Transferred side. Sir, I have never seen such a statement made by any member of Government, either on the Reserved or on the Transferred side. What happened at the time when the taxation Bills were passed was this: it was hoped at the time that in consequence of the additional

taxation the province would have a considerable surplus; and I believe Sir John Kerr, the then Finance Member, said at the time that the surplus would be available, if not entirely, at least very largely, for the Transferred departments. But if members will throw their memories back they will recollect that the hoped-for surplus failed to materialize, and by August, 1922, it was discovered that the increase in revenue would not be anything like so great as was anticipated: the surplus did not materialize and large sums were not available for the Transferred side. That, Sir, I think is a correct account of what happened in 1922.

The Hon'ble Mr. R. N. REID: Mr. Deputy President, the debate on this motion has been unexpectedly prolonged, and I shall try and be as brief as possible because I am aware that members are anxious to take up other motions which they consider to be quite as important as this. I think that Maulvi Abul Kasem is right in saying that the time for the discussion of such a motion is past. As we all know, we are getting near the end of the present constitution, and it is not much use criticising, however vehemently, the present régimé or the way in which the constitution has been worked. Perhaps Babu Kishori Mohan Chaudhuri put his finger on the point when he said that there were not going to be many more opportunities for criticising the bureaucracy and that members will not have many more opportunities of telling the bureaucracy how badly they run the administration without at the same time running the risk themselves having to take on the job. Be that as it may, I repudiate, and I think I am right in repudiating, the attack that has been made on the way the Government work the present constitution. The tendency of late years—for a good many years now—has been that the two sides of the Government work more and more together as a single entity. My recollection in recent years, for instance, has been that there have been very few meetings of the Executive Council alone. The Cabinet meets as a single body and discusses all kinds of things appertaining to both sides of the Government, and it is pure nonsense to describe the Executive Council as the dominant partner in the Cabinet. On the contrary, and I think my ministerial colleagues will have no objection to my saying this, they assert themselves quite freely and frankly, and they do not say ditto to what the Executive Council says—far from it. The demands of the Transferred sides get full consideration by the Executive Council and by the Cabinet as a whole. The mover of this motion based his criticisms on two main points. He said that the present constitution has been wrongly worked and has failed to carry out two main purposes which were laid down by the constitution started in 1921—one was the increasing association of Indians in the administration and the other was the progressive realisation of responsible government. Then he went on to give certain instances which in his opinion bore out his

proposition. The first was, I thought—and I think most sensible men will also think—rather a strange proposition. He affirmed that we were determined not to allow the Indians to take part in the police administration and as a proof of this he said that the Inspector-General of Police and the Commissioner of Police were still both British officers, and he also went on to say, which is incorrect, that not a single Indian had ever held even the post of the Deputy Inspector-General of Police. That statement, Sir, is quite incorrect, because an Indian of the Police Service, Rai Bahadur Bhola Nath Banerji, acted as the Deputy Inspector-General of Police, Burdwan Division: (A VOICE: "It is only an acting arrangement".) Certainly he was acting as Deputy Inspector-General and the reason is that he is not senior enough in the list of Deputy Inspectors-General for a permanent vacancy. I wonder what Mr. Shanti Shekhareswar Ray would have said if we had selected a *chokra* from somewhere away down the list for the post of Inspector-General of Police or of the Commissioner of Police. I think he would be the first to object if Government had done anything like that. And again should we go and select some non-officials for these responsible posts? That, Sir, I submit, is absurd. And to refer to it as a glaring instance of failure in the fulfilment of the purpose of the Indianisation of the services is absurd. The services are being Indianised and Indianised with considerable rapidity both in the way of taking in recruits to the Imperial Police Service, the Indian Civil Service and other Imperial Services and taking men from the Provincial Services to what are called listed posts.

Then, Sir, the subject has been well canvassed this afternoon as regards Standing Committees, and I feel bound to defend my own little part in the matter of Standing Committees. The Police Standing Committee and the Jails Standing Committee, of which I am chairman, do both meet; and I was rather surprised and disappointed that our friend, Mr. P. Banerji, did not get up and admit that the Police Standing Committee, of which he is a member, does meet and I would mention also—and I pay this tribute to him though he does not pay any tribute to me—that he attends and has given us valuable advice as to the best way of regulating bus traffic.

Then, Sir, there was one point to which Dr. Naresh Chandra Sen Gupta referred in no uncertain terms when he trounced the Government for prolonging the life of the Council. I was surprised that a man of his sensitiveness took this line. If he felt doubtful about the desirability of prolonging the life of the Council, he ought to have resigned his seat long ago: that would have been the correct gesture for him, and he ought to have gone to his constituency, and tested the fact whether he still had their confidence or not. But to remain on in the Council and criticise Government for prolonging the life of the Council, and to take advantage of the fact that Government had prolonged it,

seems to me somewhat inconsistent. We all know, Sir, how the life of the Council has been prolonged. When it was first extended, if I remember aright, the general impression was that the new constitution was very much more imminent than eventually it turned out to be, and it was understood that there was a considerable feeling among the members of the Council themselves that that was the correct line to take. Then, of course, when further delay occurred—inevitable delay—in the bringing in of the new Government of India Act it was almost inevitable that the life of the Council should be further prolonged; and also there was the question of expense involved—an election is a very expensive matter—and it seems common-sense that the next election for the Council should be on the register which would be that made on the new franchise which is going to be laid down for the working of the new constitution.

I do not think, Sir, that I need prolong this debate any further except to say one more word. I admit that it is quite irrelevant to the present discussion, but as it has been raised by one member I must correct it. Mr. P. Banerji referred to the way in which Government treat labour organisations and implied to them the use of Machiavellian tactics in a way which I found it difficult to follow. What he said was that the callous bureaucracy, the Executive Council, had notified all labour organisations in Bengal. The facts are that 13 organisations were notified, not all of them even *soi-disant* labour organisations. Four only of them were registered, and there are 55 registered labour unions in Bengal, so Mr. Banerji was rather wrong in his facts. These 13 so-called labour organisations were notified not because they were labour organisations, in fact some of them have no such name, but because they were communist organisations and they were a menace to the country and menace to labour itself. Sir, I beg to oppose the motion.

Mr. Shanti Shekhareswar Ray's motion that the demand of Rs. 12,000 under the head "22D—Executive Council" be reduced by Rs. 100 (failure to work the constitution in the proper spirit) was then put and lost.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 21st March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 21st March, 1935, at 3 p.m.

Present:

Mr. Deputy President (Mr. RAZAUR RAHMAN KHAN) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 101 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Satkhira, Nowkhali and Assassuni khals in Khulna district.

*75. **Maulvi ABUL QUASEM:** (*a*) Has the attention of the Hon'ble Member in charge of the Irrigation Department been drawn to the state of deterioration into which the three khals, namely, the Satkhira, Nowkhali and Assassuni khals, in the Satkhira subdivision of the Khulna district, have fallen?

(*b*) Is the Hon'ble Member aware—

(*i*) that on the Satkhira khal stands the Satkhira subdivisional headquarters town, and

(*ii*) that the said khal is alarmingly silting up, menacing the health and safety of the town?

(*c*) Is the Hon'ble Member aware—

(*i*) that the Assassuni khal is an important link in the river route between Narayanganj and Calcutta;

*(*ii*) that it has silted up to a dangerous extent since it was dredged about 40 years ago; and

(*iii*) that country boats laden with merchandise are finding it increasingly difficult to ply on it safely and are meeting with accidents frequently?

(*d*) Is the Hon'ble Member aware—

(*i*) that the Nowkhali khal was once a navigable channel and a source of supply of drinking water; and

(*ii*) that it is all but dead except in the rainy season making the numerous villages through which it passes hot beds of malaria and other diseases?

(*e*) Will the Hon'ble Member be pleased to state what steps they propose to take to improve each of the three khals at an early date?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) Yes.

(*c*) (*i*) The khal connects the Sobhanali khal with the Habragong on the Eastern Canals boat route.

(*ii*) Yes.

(*iii*) No accident has come to the notice of Government, but boat traffic has to make a detour to avoid grounding.

(*d*)(*i*) This is probable, though Government have no definite information on the point.

(*ii*) Yes.

(*e*) *Satkhira*: A project was prepared and forwarded some years back to the Collector for taking action under Act VI of 1920. It is for the parties interested to move the Collector under section 3. *Assassuni*: An enquiry is being made into the possibility of taking remedial measures. *Nowkhali*: The Collectors of Khulna and Jessore have been consulted.

Maulvi ABUL QUASEM: With reference to answer (*e*), will the Hon'ble Member be pleased to state when this project was prepared and forwarded by the Collector of Khulna?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Maulvi ABUL QUASEM: Is it not a fact that the Government are interested in the improvement of the Satkhira khal as the head-quarters of the Satkhira subdivision stand on this khal?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government may be interested in it, but I am afraid they cannot finance the scheme at present.

Maulvi ABUL QUASEM: Why is it then that the Government is waiting upon the pleasure of other parties taking up the improvement of this khal?

Mr. DEPUTY PRESIDENT: But that is a matter of opinion.

Maulvi ABUL QUASEM: With regard to answer (*e*), Nowkhali, will the Hon'ble Member be pleased to state what has been the result of consulting the Collectors of Khulna and Jessore in connection with that khal?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have not yet received their replies.

Maulvi SYED MAJID BAKSH: Is it a fact that Act VI of 1920 is a taxation measure?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Maulvi SYED MAJID BAKSH: Is it a fact that this Act VI does not concern the Department of Irrigation but a department of the Hon'ble Sir Bijoy Prasad Singh Roy?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so.

Mr. DEPUTY PRESIDENT: Next question.

Maulvi SYED MAJID BAKSH: But I have not yet finished, Sir.

Directors of the Central Board of the Reserve Bank.

*76. **Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether the Government of Bengal was consulted in connection with the nomination of the Directors of the Central Board of the Reserve Bank from Bengal?

(*b*) If the answer to (*a*) is in the affirmative, did the Government of Bengal press for the nomination of a Bengali under section 8 (*1*) (*b*) of the Act to represent the interest of agriculture in Bengal?

(*c*) Is the Hon'ble Member aware that agricultural credit is going to be one of the Departments of the Bank?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) No.

(*b*) Does not arise.

(*c*) Yes.

Dietary articles in the Campbell Medical Hospital.

*77. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to state whether the materials used as diets, medicines, etc., for the patients in the Campbell Medical Hospital are purchased on tenders?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing, year by year, for the years 1932 to 1934—

(*i*) the names of tenderers;

(*ii*) the names of the persons whose tenders were accepted;

(*iii*) the specification attached to the tenders;

(*iv*) the quantity for which tenders were accepted;

(*v*) the quantity utilised for specific purposes;

(*vi*) the name or names of the officers under whose supervision the materials were received?

(*c*) Is the Hon'ble Minister aware of a feeling that exists that the quality of diets supplied to the indoor patients in the Campbell Medical Hospital are not up to the mark?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes taking in the matter?

MINISTER in charge of LOCAL SELF-GOVERNMENT (MEDICAL) DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Dietary articles are purchased on tenders. Medicines are mainly obtained from the medical stores. Emergent purchases of medicine in small quantities are however made locally and for such purchases no tenders are required under the rules up to a limit of Rs. 250.

(*b*) (*i*) and (*ii*) Statements are laid on the table.

(*iii*) No specification was required in the case of dietary articles but the samples which were submitted by the tenderers were compared with accepted samples of previous years before the tenders were accepted.

(*iv*) A statement is laid on the table.

(*v*) The entire quantity was utilised for the use of patients.

(*vi*) Dietary articles and medicines were received under the supervision of the Deputy Superintendent and the Apothecary of the Campbell Hospital respectively.

(*c*) No.

(*d*) Does not arise.

Statement referred to in the reply to starred question No. 77 (b) (i) and (ii).

(*b*) (*i*) THE NAMES OF TENDERERS.

1932-33.

1. J. M. Banerjee.
2. Indian Commercial Agency.
3. Jasrup Meghraj.
4. B. S. N. & Co.
5. All-India Provisions Supply Co.
6. Messrs. Dutt & Co.
7. J. K. Biswas.
8. General Order Supply Co.
9. Bengal Supplying Agency.
10. Arya Bakery.
11. The New French Bakery.
12. Messrs. Neogi & Co.
13. Md. Eunus.
14. Miscellaneous Stores Supply Agency.
15. Co-operative Milk Societies Union.
16. Provat Chandra Das.
17. Messrs. Sharman & Co.
18. Messrs. Ghosh & Co.
19. Bankim Chandra Ghosh.
20. Indian Butter Supply Co.
21. Jail Depôt.
22. M. Z. Hoque.

1933-34.

1. The New French Bakery.
2. Messrs. B. N. Batabayal & Co.
3. M. Osmal Ali and Sajed Ali.
4. P. Chatterji.
5. Portuguese Dairy.

6. Messrs. B. D. Puri & Co.
7. Messrs. Ghosh & Co.
8. Messrs. A. C. Mitter & Co.
9. S. K. Ghosh.
10. S. K. Nandy.
11. N. K. Das.
12. Jail Depôt.
13. Bengal Poultry, Dairy and Agriculture, Ltd.
14. Messrs. S. B. Elliott.
15. Messrs. Das Guha & Co.
16. S. N. Chatterji.
17. The General Order Supply Co.
18. J. K. Singh.
19. Ganguli and Banerji.
20. Gobindaram and Sewaram.
21. Golak Chandra Poddar and Gopal Chandra Poddar.
22. Messrs. D. Spencer & Co.
23. Co-operative Milk Societies Union.
24. Faraz Ali.
25. Md. Eunus.

(*b*) (*ii*) THE NAMES OF PERSONS WHOSE TENDERS WERE ACCEPTED.

1932-33.

1. General Order Supply Co.
2. Messrs. Ghosh & Co.
3. Arya Bakery.
4. Jail Depôt.
5. Md. Eunus.

1933-34.

1. The General Order Supply Co.
2. Md. Eunus.
3. Messrs. D. Spencer & Co.

Statement referred to in the reply to starred question No. 77 (b) (iv) regarding quantities for which tenders were accepted.

	1932-33.	1933-34.
	Md. Sr. Ch.	Md. Sr. Ch.
Milk	2,949 8 4	3,350 5 8
Soojee	20 1 13	70 11 5
Sugar	257 25 1	256 11 7
Rice	661 38 8	571 11 10
Dhall	125 25 13	123 18 8
Fish	217 18 5	219 2 15
Mutton	53 22 10	28 38 4
Ghee	14 19 11	13 24 2
Oil	38 28 14	32 1 10
Salt	24 25 1	24 24 1
Mussalla	25 5 2	22 28 14
Vegetable	424 0 2	363 16 14
Butter milk	42 36 8	31 23 0
Flour	36 2 8	60 9 4
Sago	36 26 12	34 2 2
Bread	42881½ lb.	43604½ lb.
P Barley	32 2 10	15 36 4
Table rice	16 18 12	20 13 4
Butter	10 37 14	9 19 12
Tea	1 27 8	1 5 15
Pomegranate	7 4 13	4 17 4
Grapes	6 18 3	3 19 14
Beslana	2 25 10	1 20 0
Isafgul	0 7 10	0 3 3
Chana	0 21 3	0 32 9
Pearl Barley	0 6 6	0 16 13
Sugarcandy	0 1 3	0 0 8
Cream	0 3 1	....
Crumb	0 3 0	....
Chicken	1358 lb.	1702 lb.
Eggs	No. 11813	No. 13322
Coffee	0 1 0	0 0 13
Chira	0 4 0	0 21 2
Gram	0 14 7	0 15 6
Cucumber	No. 211	....
Arrowroot	0 4 11	0 0 10
Limes	No. 25301	No. 27841
Dabs	No. 23789	No. 35569
Oranges	No. 29534	No. 17669
Plantain	No. 131	No. 306
Mango	No. 516	No. 1,785
Sodawater	No. 475	No. 363
Lemonade	No. 228	No. 721
Icecream soda water	No. 270	No. 730
Gingerade	No. 58	No. 54
Oatmeal	0 15 13½	0 6 7
Goat's milk	0 35 12	....
Dahi	0 17 8	0 11 0

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Loans offices in Bengal.

39. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Has the attention of the Hon'ble Member in charge of Commerce Department been drawn to—

(*i*) paragraph 260 of the Central Banking Enquiry Committee's report in which the Committee recommends to the Government of Bengal to devise a scheme so as to render effective help to the loans offices of Bengal and modernise them; and

(*ii*) the answer of the Hon'ble Commerce Member of the Government of India in reply to a question from Mr. K. C. Neogi in the Legislative Assembly that the matter of loan offices is primarily the concern of the Provincial Government and that the Central Government has nothing to do with them?

(*b*) Have the Government come to a conclusion that the loan offices of Bengal serve a very useful function in the mufassal?

(*c*) Do the Government realise that when properly utilised these loan offices will greatly simplify the problem of providing credit facilities to rural Bengal?

(*d*) Will the Hon'ble Member be pleased to lay on the table a statement showing any decisions which the Government have come to in the matter?

(*e*) Are the Government considering the desirability of urging upon the Bengal Board of Economic Enquiry to formulate a scheme on the lines of the recommendation of the Central Banking Enquiry Committee?

(*f*) Is it a fact that the three Land Mortgage Banks recently started in Bengal do not entertain applications for long-term loans on good security from the loan offices?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Land Mortgage Banks have been specifically debarred from assisting the loan offices?

(*h*) If they have been so debarred, will the Hon'ble Member be pleased to state the reason for the same?

(*i*) Is it a fact that the conditions under which the co-operative Land Mortgage Banks advance loans to individual members are also unduly rigid?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) and (*ii*) Yes.

(*b*), (*c*), (*d*) and (*e*) The services of Mr. Darling, C.I.E., I.C.S., have been placed temporarily at the disposal of the Government of Bengal to report generally what steps, if any, can be taken to improve the present position of loan offices in Bengal.

(*f*) Yes.

(*g*) and (*h*) The Co-operative Land Mortgage Banks are meant primarily to supply long-term credit to agriculturists for the purposes of redeeming mortgages on their lands and liquidating prior debts, improving their land and methods of cultivation and, in special cases, purchasing land. These Banks are primary societies for the promotion of the economic interest of their members on co-operative principles as laid down in section 4 of Co-operative Societies Act, and their membership is confined to individuals: it does not extend to any corporate body or Co-operative Society. Loan offices are not eligible for membership, and section 29 of the Co-operative Societies Act is a bar to their receiving loans from the Banks.

(*i*) The conditions are such as are necessary for sound business and the success of the Banks. I have no reason to suppose that they are unnecessarily rigid.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member in charge of the Department be pleased to state when the services of Mr. Darling were placed at the disposal of the Government of Bengal?

The Hon'ble Sir JOHN WOODHEAD: Quite recently, Sir.

Babu HEM CHANDRA ROY CHOUDHURI: How far has he progressed in his work?

The Hon'ble Sir JOHN WOODHEAD: I have not yet received his report.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state when his report is expected to be completed?

The Hon'ble Sir JOHN WOODHEAD: Soon, Sir.

***Death of Nabidali Laskar of the Joint Agency Office, Barisal.**

46. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether

it is a fact that in 1934 one Nabidali Laskar threw himself from th first floor of the Joint Agency Office, Barisal, and was severely injure and that he subsequently died next morning?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Mem ber be pleased to state—

(*i*) whether the Government instituted an enquiry into the matte to find out the reasons of the same; and

(*ii*) what was the result of the said enquiry?

MEMBER in charge of POLICE DEPARTMENT (the Hon'bl Mr. R. N. Reid): (*a*) Yes.

(*b*) (*i*) and (*ii*) An enquiry was held by the local police and the concluded that it was a case of suicide.

Commutation of pension applications.

41. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'bl Member in charge of the Finance Department be pleased to state—

(*i*) whether it is a fact that a very large number of application from Government pensioners for commutation of pension i lying pending with the Government since 1930;

(*ii*) whether it is a fact that similar applications are disposed o within a few months by the Government of India and siste provinces; and

(*iii*) whether it is a fact that rule 6 of Civil Pension Commutatio Rules as amended by the Secretary of State for India in Council enjoins that such applications should be dispose of within six months at the most?

(*b*) Do the Government realise the adverse effect of the delay o the pensioners that by the long lapse of time they become older an weaker and run the risk of being rejected and thus deprived of th advantage allowed under the existing rules?

(*c*) Will the Hon'ble Member be pleased to state whether the delay is due to financial stringency?

(*d*) If the answer to (*c*) is in the affirmative, are the Governmen considering the desirability of raising loans and meeting these demands?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*) On the 26th February, 1935, the number of applications pending was 1,349. Twenty-nine of these were applications filed in 1929, and the rest were applications filed after 1929.

(*ii*) I have no information.

(*iii*) No.

(*b*) Government have received representations to this effect.

(*c*) Yes.

(*d*) As a means of relieving immediate expenditure, Government decided in 1933-34 to finance the commutation of pensions by borrowing: but they limited their transactions on this account because calculations showed that, at the rates of interest then prevailing, such loans involved an eventual loss to the provincial exchequer. The rates of interest are now considerably lower, and a suggestion that larger loans might now be taken for this purpose is under active examination.

MUNINDRA DEB RAI MAHASAI: With reference to answer (*d*), will the Hon'ble Member be pleased to state whether the examination will be finished in 1935?

The Hon'ble Sir JOHN WOODHEAD: The examination has been finished.

Facilities for Asar prayers to the Mussalman employees of civil and criminal courts.

42. Khan Bahadur A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether Government contemplate giving facilities for Asar prayers to the Mussalman employees of both civil and criminal courts as has been given to the Mussalman litigants, witnesses and legal practitioners (*vide* Appointment Department letter No. 1776-1790A., dated the 1st February, 1932)?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of issuing a circular accordingly?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) and (*b*) The matter is under consideration.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMANDS FOR GRANTS.

22—General Administration.

(The Council resumed discussions on "22—General Administration.")

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 12,000 under the head "22D—Executive Council" be reduced by Rs. 100 to discuss the size of the Executive Council.

Sir, this motion has been before the House almost every year, and as Mr. Reid pointed out in his reply to this motion last year, the question has been debated year after year in this Council, and we have not got very much farther. Sir, I want firstly to discuss the reasons why we have not got very much farther over this matter. As it would be in the recollection of the members of this House, when this motion was brought before the House on the 15th March, 1934, member after member from this side got up and supported the motion. In fact, the only objection, so far as I can remember, was voiced by my friend, Mr. Tamizuddin Khan, from the non-official benches and by Mr. Reid from the official benches. The grounds on which Mr. Tamizuddin Khan objected to this motion were, as far as I can understand from the report of his speech, that if you reduce the number of Members of the Executive Council, you might be disturbing the communal balance in the Cabinet, and that the mover of the motion, to wit myself, was not consistent, inasmuch as I was objecting to the Communal Award and the Poona Pact, while saying that I did not care whether there was a majority of Hindu or Muslim members in the Cabinet. I should have thought that it would be patent to the most ordinary intelligence that the two things are on quite different planes altogether. When one objects to the number of members of the House under the new Constitution belonging to one community or to another, one is not conscious of objecting to the majority of any particular community in the Cabinet. Sir, the function of the Cabinet,—of the Executive Council under the present Constitution or the Ministers under the new Constitution as formulated, the function of the members is quite apparent from the terms in the report of the Joint Parliamentary Committee. The Members of the Executive Council under the present Constitution or the Ministers under the next Constitution are more or less in the position of,—to use an expressive Indian word,—*Tabedars* of the Governor. They can be got hold of by the ear by the Governor, turned out——

Mr. DEPUTY PRESIDENT: Order, order. I do not think that the words "by the ear" is parliamentary.

Mr. NARENDRA KUMAR BASU: I bow to your ruling, but they may be turned out by being caught by some other portion of their body and asked by the Governor to march on.

Sir, that is the position of the Members of the Council and the position of the Ministers under the new Constitution, as it is adumbrated in the Joint Parliamentary Committee's report and the Government of India Bill, now before the Parliament. But the position of the members of this House is, I take it, entirely different, so there was nothing in the argument of Mr. Tamizuddin Khan that if one objects

to the Communal Award—I do not call it an Award at all, I call it a Communal Ordinance passed by the British Government in the absence of any legal justification,—whatever may be my views about the Communal Ordinance or the Poona Pact, that, I submit, does not go against the cogency of this motion.

Sir, the objection of Mr. Reid, as it was voiced forth last year, was almost similar. He said that not only would it disturb the communal balance in the Cabinet if all the appointments which were impending last year were not filled up, but, as he said in reply to a pointed question by my friend, Mr. Jitendralal Bannerjee, that there was enough work for the four Members of the Executive Council in Bengal, because, to quote his language, these Members spend more time in thinking about the policy as to how things can best be done than in their actual departmental work.

The Hon'ble Mr. R. N. REID: Sir, I did not say that.

Mr. NARENDRA KUMAR BASU: Mr. Reid will pardon my contradicting him, but I think the words used are these: At page 180, the Hon'ble Member said, "It is very easy for members of this House to run through the portfolios which are distributed among the different Members of the Executive Council and to find a number of apparently unimportant items like Jurisdiction, Excluded Areas, Emigration, Immigration, and all the rest of it. It is very easy to do that and to judge from that that some portfolios are not particularly important as they seem to contain what apparently are trivial items, and to conclude that, those Members have not got much to do and as a matter of fact are compelled to spend their time in play. But I may state that especially nowadays there is a great deal more work to do than would appear from the list of subjects. As the Council is aware, most important decisions on policy are taken after discussion in Joint Meeting when both sides of Government meet together and discuss things; also there is an enormous number of questions on which, though they arise in a single department, every Member of Government records his opinion and on which if he has to record his opinion with knowledge and thought, it means that he has got to spend a lot of time over it; and I do not hesitate to say that the Members of Government do spend a tremendous amount of time and thought over these things. It is not merely the actual disposal of files, signing their names and initialling papers that take up all their time. But if the members of Government are to do their duty by the country, they ought to spend more time in thinking about policy, as to how things can best be done and that is not a matter which can be measured by the number of hours spent in actual reading or writing——"

The Hon'ble Mr. R. N. REID: May I just explain the position? It was only for the sake of accuracy that I said that Mr. Basu did not quote me accurately but he has done so now.

Mr. DEPUTY PRESIDENT: Mr. Reid, you will have your time to explain the position later on.

Mr. NARENDRA KUMAR BASU: I am afraid, if I gave Mr. Reid the impression that after I had quoted his words—"spent more time in thinking about the policy as to how things can best be done than in their actual departmental work," and the words that followed were a quotation from the speech and were not my words, I was wrong, then I have nothing more to say.

The Hon'ble Mr. R. N. REID: I am sorry I misunderstood Mr. Basu.

Mr. NARENDRA KUMAR BASU: That closes the matter, and let us now come back to the real facts of the case. It is a fact that Government have got four Members of the Executive Council, and these Members have got to spend a lot of time in thinking over the policy of each other's departments. But it has been really admitted by Mr. Reid in his speech that some of these departments are unimportant and cannot possibly occupy the time of one Member of the Executive Council to whom we have to pay Rs. 64,000 a year for the whole day. Therefore, in order to usefully employ himself and to make some return for the money that he is getting, he has got to think over the policy of other Members of the Government. That, I submit, is not a valid ground for continuing four Members of the Executive Council.

You will remember that this discussion took place in March last year, and after that in May last year there were two vacancies in the Executive Council, and one would have thought that after the replies that were given from the Treasury Benches, and after the debate that we listened to in this House that the Government would at least have some consideration for the wishes of the representatives of the people and consider seriously whether both the appointments should be filled up or not. But in the very first or second week of May, both the vacancies were filled up, and as a result we have here the spectacle of Sir B. L. Mitter in charge of Judiciary and Land Revenue, and Khwaja Sir Nazimuddin in charge of those important departments mentioned by Mr. Reid in his speech and the Irrigation Department, and the spectacle that we had day before yesterday when the matter of calling meetings of the Standing Committees by the Members of the Executive Council was considered.

Mr. DEPUTY PRESIDENT: But has that anything to do with the point at issue?

Mr. NARENDRA KUMAR BASU: Sir, by referring to that I am trying to show that it is not necessary to have four Members. I was just going to say that this Council day before yesterday debated the matter of the remissness of the Members of the Cabinet in not calling meetings of the Standing Committees under their charge. Member after Member from the Treasury Benches got up and gave what each considered to be the satisfactory explanation of that complaint but unfortunately Khwaja Sir Nazimuddin was probably sulking in his tent after the cut in the Irrigation budget, and he was not here to have the courtesy of giving his explanation. Probably he was thinking about the policy of the other departments of Government in his chamber either here or elsewhere. The fact of the matter remains and it cannot be gainsaid that nobody has yet ventured even to say in this Council that there is enough work in the departments of the Local Government for four Members of the Executive Council and three Ministers. We all know that for years together a very much bigger province of Bengal was governed by a very much lesser number of men at the top of the administration. Sir, it is no use hiding the fact that a very large proportion of the poverty of the Government of Bengal to-day is due to the fact that they have got a top-heavy administration. It is no use disguising the fact that Government of Bengal, so far as the Executive Council is concerned, could very easily, if they thought it advisable, get the Secretary of State to reduce the number of Members. Sir, Bombay has done it, and I do not think that it would be at all difficult for Bengal to do the same. Some years back, when this question was being debated, Mr. Prentice, as he then was, said that you could not judge of Bengal or of Bombay merely on the population or on the taxation basis,—I beg your pardon, he said that you cannot compare provinces merely on the amount of money spent by them per head of the population, but you must have to consider the population of Bengal as well as that of Bombay,—as if one-fourth of the population of Bengal is always upon the head of each Member of the Executive Council and their policy is shaped upon the number of men, women and children who inhabit this province of Bengal. I submit, Sir, there is nothing in that argument. It is almost as wrong, if I may say so, as the arguments which we heard the other day for the retention of the dredgers. Sir, I submit that it is the same idea that you must retain what you have got without considering whether it is costly and serves any useful purpose or not. Sir, that is the idea behind the retention of the four Members of the Executive Council in this province. Bengal has been groaning under a deficit budget for years together, and for Bengal to have the luxury of four

Executive Councillors is, I say, as bad as maintaining four dredgers. The four dredgers are rendering no service now except perhaps dredging the brains of some of the Members of the Government, but the reason for continuing the four Executive Councillors is merely to hold on to what they have already got. Sir, I submit there is no reason why the Cabinet should consist of seven members, and the Governor. That means, Sir, a total of an even number which, if there was any real discussion with life in it, might probably mean an equal division of fours. I should think that for the sake of having a real decision by a majority, there ought to be at most one Governor and six members in the Cabinet, and there is absolutely no reason why, as I have repeatedly said, we cannot have the portfolios of the fourth Member divided amongst the other three—it does not matter whether the non-British Member is a Hindu or a Muhammadan. I have said that times without number, and I have never heard it suggested anywhere outside this Council that it is necessary to preserve the communal balance in the Cabinet. As a matter of fact, we do not preserve the communal balance, and if you take the Cabinet as a whole, you will find that you are not preserving that balance. Under the circumstances, to say that you must have four Members to preserve the communal balance is a mere eyewash. I submit, Sir, that if the Government of Bengal had really taken any heed of public opinion in the province, they would have reduced the number of Members of the Executive Council. Sir, I move.

Mr. S. M. BOSE: Sir, I support this motion cordially and wholeheartedly. After the very able speech which we have listened to just now, I have very little to say. As Mr. Basu has pointed out, we all feel, and public opinion in Bengal feels that the size of the Cabinet, namely seven, is too large. I sugest that there are excellent reasons why the size should be brought down from seven to five. On paper, the list of subjects looks very formidable. There are 29 of them including such important subjects as the Hon'ble Mr. Reid had pointed out last year, namely, Excluded Areas, Emigration, Immigration, Jurisdiction, Hadj Pilgrimage, Forest and Irrigation. As regards Irrigation, I submit, Sir, that after the Bengal Waterways Act passed last year, the work in that Department will be nil. There has been no work done in that portfolio till now. In Emigration, Immigration, Jurisdiction, Hadj Pilgrimage and Forest, there is hardly work enough for one Member. Sir, I find that each of the four Members of the Executive Council have got a large list of, say, 5, 6, or even 7, subjects, but all these, I think, are minor subjects of little importance. Sir, as I have just said, the list of subjects looks very formidable on paper and I maintain that these numerous subjects, important or otherwise, can easily be allocated to five Members of the Cabinet.

Then, Sir, on the ground of economy, we are aware that the Retrenchment Committee, on which our friend the Hon'ble Khan Bahadur Mr. Azizul Haque figured as a prominent member, recommended that the size should be brought down from seven to five. Bengal's enormous debt demands that we should economise in every possible way. We have been told about the Finance Inquiry Committee; we have been told that we must be prepared to make out a good case when we appear before that Committee. A very good case will surely be made out, I submit, only if we can point out that we have followed the example of Bombay. The Hon'ble the Finance Member some time ago asked us to look to, behold, and admire what Bombay has done. As we know, Bombay has reduced the size of the Cabinet from 7 to 5. And as Bombay has done so, what is there to prevent Bengal from following suit? We earnestly hope that the Bengal Government will have some regard for the deep feeling which we, many members, have in common with the public at large. It is widely believed that the number can be easily reduced, and it is, indeed, as Mr. Narendra Kumar Basu observed, a great misfortune that when an opportunity occurred last year, nothing was done. If I am asked, suppose Government decide to reduce the size of the Cabinet, who are to go, I would say: "Follow what has been done in Bombay." There two Members of the Executive Council went out. How the names were chosen, I do not know. But that is what was done in Bombay, and I submit that that should be done here. With these few words, Sir, I cordially support the motion.

Maulvi ABUL KASEM: Sir, we in Bengal are great admirers of Bombay. Our mangoes, our sugarcane, our onions, and even our *saris* are called in imitation of Bombay, and, therefore, Sir, we must be considered to be great admirers of Bombay; even in matters of legislation and taxation we have followed the example set forth by Bombay. But when the question came of reducing the size of the Cabinet we cried "Halt," because everything of Bombay is not good. If we have not adopted the "Bombay system" *in toto* in Bengal, we have adopted it in principle; because we in Bengal look upon Bombay as an ideal. Therefore, Sir, the Bombay Cabinet must be a big and extensive one! So much, Sir, in support of the motion. There is no doubt that we have got a very, very proper administration now in Bengal. The mover of the motion referred to the fact that some years ago Bengal was governed by one Lieutenant-Governor and there were only three Secretaries who ruled over the Writers' Buildings. Considering that fact, the expenditure seems to have gone up abnormally high. But for this, Government alone are not responsible. It must be conceded that both the Legislative Council and the public outside have increased the anxiety and worry as well as the troubles of the Cabinet and of the

work which Writers' Buildings have got to do. Besides, with the development of the province, as well as on account of the fact that democracy has been introduced in some partial measure, the expenditure has gone up; but I submit to the House that the expenditure has gone up much higher than the circumstances demand or the province can afford to pay.

Sir, Mr. Narendra Kumar Basu began his speech with a statement that the Members of the Executive Council and the Ministers could be turned out by His Excellency the Governor by patting them on their backs. I do not agree with him entirely in that view. On the other hand, I think—and I hope I am right—that the Governor of Bengal is merely a titular head of the province. At any rate, he is advised by the members of his Cabinet and he acts upon their advice. There is an English adage that the King acts on the advice of his Ministers, and the Ministers alone are responsible for his actions. Here, the Governor acts on the advice of his Cabinet, and the Cabinet alone are responsible for the work.

One word more, Sir. The question is that it may be within 12 months or so—or it may be within 18 months—that the Members of the Executive Council will have to retire and make room for a new set of men. If you, Sir, think, and if the Government of Bengal think so, because in their report they say so, that this Government could be run by elected members from whom the Ministers will be chosen in all the departments, why do you think that the heavens will fall if the responsibilities of the Executive Councillors, who guide our fortunes now, be shared by the Ministers who are more or less the representatives of the people. Sir, Mr. Narendra Kumar Basu has said that the only objection is about the communal representation on the Cabinet. Maulvi Tamizuddin Khan retorted by saying that the number of Mussalmans will be less. I do not agree with that view, because we, the Mussalmans, are not communal. But my friend, Maulvi Tamizuddin Khan, was afraid that our co-religionists would object when they found that they have not got a prominent share of the appointments in the Cabinet. We talk of nations and nationalism in these days. So far as I have seen, I find that in the vocabulary of my friends the words "nation" and "nationalism" denote and connote Hinduism, pure and simple,—unadulterated. (CRIES OF "Question.") You may question my statement, but that is a thing to which we shall have to submit to-day or to-morrow: I am sure it will happen. I think that it should have been at least an expression of good-will on the part of Government, if they could or if they did reduce the number of the Members of the Executive Council in order in the first place to give an opportunity by transferring some of their responsibilities to the Ministers to do the work, instead of throwing all matters relating to Police, Administration of Justice, and General Administration, on the

Executive Councillors. At the moment we do not know who the Ministers in the next administration will be—whether they will be absolute novices or trained hands like the present Ministers. I think it would have been better and much safer if the present Executive Councillors were relieved of their heavy responsibilities to some extent.

Sir, as regards the expenses, I think that, since the inauguration of the Montford Reforms, the people of Bengal have been taxed and taxed to carry on the ordinary administration of the country—not for anything else but for running the *ordinary* administration of the province. That, Sir, is absolutely wrong. If you think that you cannot carry on the administration under the changed circumstances with a big Legislative Council and with all the difficulties that arise owing to the presence of members here and the amount of extra work that is thrown on your shoulders, you should have the courage and boldness to say that the province of Bengal, situate as it is with its finances as they are, is not in a position to afford to have any form of democratic government. You say that we must have a democratic form of government in this country, and that we must have all the extensive powers which accrue therefrom: at the same time you say that we cannot meet the expenses. I would say as a man in the street that, if a democratic or national government those high-sounding words from the political dictionary of England is going to make us poorer and poorer and is going to raise the cost of administration higher and higher; "Save me from my friends: I would not have the Reforms."

With due respect to Mr. Narendra Kumar Basu, I submit that in the old days, when the province was governed by one Lieutenant-Governor and three Secretaries, the people were better governed, and, certainly, they were economically better off than they have been under the Morley-Minto Reforms when they had three Executive Councillors. Therefore, Sir, I submit, that two alternatives are open to us—either wash out the Constitution and run it on old lines, or if you do not do that, then you will have to deprive yourselves of the luxuries and the glory of a dignified decoration of the Treasury Benches. Therefore, Sir, we ought to curtail the number of Executive Councillors. Mr. Narendra Kumar Basu has said that the Members of the Executive Council think and ponder over the policy which is to serve the best interests of the country. I am sorry, Sir, they have not considered and have not thought how we are to make our two ends meet. As I said once before, and I repeat it, there was a non-official European who said that if anybody came and told him that there was an uncovered deficit in his office budget, he would exclaim: "O, Satan! get thee behind me." So, if a government presents an uncovered budget to us, I would similarly exclaim "O, Satan! get thee behind us."

Mr. SHANTI SHEKHARESWAR RAY: Sir, this question has been debated in this House on several occasions; and I think no useful

purpose will be served by going over the same ground again. But, at the same time, I should like to correct one of the errors that have crept into the speech of my learned friend, Mr. Narendra Kumar Basu. In the course of his speech he said that the Members of the Executive Council could be turned out of office by the ear by the Governor. (MR. NARENDRA KUMAR BASU: I withdrew the words "by the ear.") At any rate, he suggested that the Executive Councillors hold office at the pleasure of His Excellency the Governor: the facts are, however, quite different. So far as the members of the Executive Council are concerned, they owe their appointments not to His Excellency the Governor but, if you refer to section 47 of the Government of India Act, you will find that Members of Governors' Councils shall be appointed by His Majesty under the Royal Sign Manual and that their number should be such, not exceeding four, as the Secretary of State in Council directs. So, Sir, the position of His Excellency the Governor is not what Mr. Narendra Kumar Basu has suggested. So far as the Ministers are concerned they certainly owe their office to His Excellency the Governor and hold it under his pleasure. As a matter of fact the constitutional position under the present constitution is that His Excellency the Governor is merely the first man in the Government and the Members of the Executive Council have more or less identical powers so far as decisions in the Cabinet are concerned. According to the present constitution they have not given their decisions or passed orders on the subjects that are entrusted into their hands—subjects belonging to particular departments, but the decisions must be taken collectively at the cabinet meetings, and in expressing their views they have certainly certain responsibilities, and it is no use suggesting that a Member of the Executive Council should not think over or consider the subjects that belong to other departments. I would however take this opportunity to ascertain from the Government benches a matter which may be of some interest. I would like to ascertain what is going to happen to these distinguished and esteemed Members of the Executive Council when the new constitution will be brought in or ushered some time next year. What will be the fate of the Hon'ble Sir John Woodhead, the Hon'ble Mr. Reid, the Hon'ble Sir Nazimuddin and the Hon'ble Sir B. L. Mitter? Perhaps they will be able to throw some light on the subject. I would like to know what the terms of the appointment are of the two members who were appointed early last year. Have they been appointed for the usual term of five years or for only one year or two years?

As regards the issue at debate about the reduction of the size of the cabinet, my views are well known and I need not repeat them to-day.

Maulvi ABUL QUASEM: Mr. Deputy President, Sir, this subject is brought every year before this Council. It has been my lot to speak

on this subject for the last two years. I have always supported a motion like this and I also wish to support this year the motion that has been moved by my friend Mr. Narendra Kumar Basu. It appears to me that the Government of Bengal in the matter of the size of their cabinet have taken their cue from the famous poem of Wordsworth entitled "We are Seven." The members of this Council who are familiar with the poem know very well that a little child who felt her life in every limb would not believe that some of her brothers and sisters were dead, though as a matter of fact they were dead. She would insist, though questioned again and again, that they were seven. Our Government, though well able to carry on with a smaller Executive Council and though their ranks should be reduced by death or retirement, would insist that they must be seven and not less than seven. I find there is a great analogy between the child of the poem and our Government, but in the case of the little child there was a pathetic, childlike obstinacy, whereas in the case of our Government there is childish and unpardonable obstinacy. Last year a golden opportunity presented itself before the Government; one member died and another member retired. Government could well have left these posts unfilled but they did not. At present the country is groaning under a terrible economic depression and the masses for whom the Government say that they are the trustees are suffering a misery which cannot be described. But what are the Government doing? They must carry on with a cabinet of seven with a salary of Rs. 64,000 a year for each. My quarrel with the number seven is not so much on account of the size of the cabinet as on account of the salary of each Member and Minister being the excessively high sum of Rs. 64,000 a year. Had the salary been less, I would not have grudged the number. My objection is mainly on the ground of salary being so high as Rs. 64,000. Under the new constitution perhaps we would not be able to carry on without 7 Ministers in the cabinet, but if power is given to those who would come to this Council under the new constitution, they would not for a moment think of fixing a salary of Rs. 64,000 a year for a Cabinet Minister. But you insist on having a cabinet of 7 Members and Ministers on the impossible salary of Rs. 64,000 a year each while the Government is running a deficit budget year after year and is a perpetual debtor to the Government of India. To do what? Are you really seeking to relieve the distress of the people, or are the 7 gentlemen only watching their miseries? What for are the seven men needed? To look to the happiness of the people? No, nothing is practically done to meet their crying needs. The Council began this afternoon with a question put by me, which was answered by the Hon'ble Member in charge of the Irrigation Department. I come from an area which has been admitted in that answer to be malarious, due to the silting up of certain rivers and canals, and the reply was that nothing could be done because the Government had no money. But Government has got money enough to

pay Rs. 64,000 a year to each of the 7 Members of the cabinet. Can such expenditure be justified? I say with all humility but with all the strength that I can command that it is a heartless outrage on the helpless people of Bengal.

Maulvi TAMIZUDDIN KHAN: Sir, I had no idea that I would have to stand up to speak on this motion this year at all, but I do not know for what purpose my friend Mr. Narendra Kumar Basu hunted up the proceedings of the last year and tried to answer the points that I raised last year when this debate came up during the budget session. He quoted or misquoted the Hon'ble Mr. Reid but it was corrected forthwith. I have not got the proceedings of last year before me and I confess that I do not remember everything that I said last year on the subject. It has been said that language has been given to man to conceal his thought, and in this respect I surely admit that Mr. Narendra Kumar Basu is a better adept than anyone else in this Council. What I said last year, if I remember aright, was that the question of communal balance could not be brushed aside very lightly. We have seen that for a very long time there have been one Moslem and one Hindu Member in the Executive Council. Was it for nothing that there have been consistently members from these two communities, or was there some reason behind such appointments? I am a simple man and what I think is that the communal question was in the background of the mind of Government when these appointments were made. It is far from me to suggest that the Members of the cabinet decide any question of state on communal grounds, but it is necessary that all important sections of the people should be represented on the cabinet simply for the purpose of looking after the peculiar and special interests of those communities. If I remember aright, I said that the question of the communal balance was all the more important at the present time, because the constitution was going to be changed. Various questions in which the communities were vitally interested came up for consideration not only before the British Government but also before the Government of India as well as the provincial Governments. It was quite possible that such questions might crop up before the Government of Bengal also, and it was necessary that the communal balance which was maintained so long should not be disturbed at the present time. I still hold that view. The House will remember the time when this question was raised in this Council last year. At that time Sir Abdelkerim Ghuznavi was about to retire, and I thought that the attack on the Executive Council at a time like that was an attack on the Moslem Member who was on the Executive Council. (A VOICE: It doesn't matter whether he is a Hindu or a Moslem). My friend protests that he does not care whether the members were Hindus or Moslems. I wish he was sincere in what he said. But I would like to give my own

mind with regard to this matter. I am as much anxious to have a Moslem as to have a Hindu in the Executive Council. Similarly I have the same objection to the Hindu Member being removed from the Executive Council as I have to the removal of the Moslem Member. That is my definite attitude. My friend Mr. Narendra Kumar Basu hinted that the work of the 7 Members of the cabinet might well be distributed amongst 6, whereas his staunch supporter Mr. S. M. Bose said that the work might well be done by 5. That shows the kind of unanimity of opinion that we have in this House about the reduction of the number of Members on the cabinet. Mr Narendra Kumar Basu also said that the administration of Bengal was top-heavy. When he raised this argument in connection with the question of the size of the cabinet, I am afraid he suffered from a confusion of thought. When we use the expression that the administration is top-heavy, we never mean that the number of men at the top of the administration is too great, but that the salaries enjoyed by them are too high. That is wherein the objection lies. It is not that the number is too great; that is not the general objection. I would like to draw the attention of the House to one other thing. At present we have 140 members in this Council. Under the coming Reforms it is proposed to have 250 members in the new Council Why this increase in number? If the number of members of the Council is going to be increased does my friend Mr. Basu propose that under the new constitution the number of Ministers in a province like Bengal should be less than 7? I think he would be reluctant to come forward with a proposal like that Mr. S. M. Bose says that the number of Ministers may be increased to 14. I think, Sir, one may support a proposal for the increase in number but none can support a proposal for the decrease of the number under the new constitution. That is the general view not only in this House but the general view also prevailing in the country. That being so, my opinion is that the number of seven that is the present number of the Cabinet Members is not too high. But certainly I think that the salaries of the Cabinet Members are too high and if the salaries could be reduced that should be done. But that is a quite different thing. With the advancement of democratic institution the machinery of Government is becoming more and more complicated and elaborate every day. Therefore it is only natural that the number of Members of the Cabinet should be increased according to the exigencies of the times. I therefore think that the proposal to reduce the number of Members of the Executive Council at the present stage is not only untenable but also out of place at the present moment specially in view of the fact that the present Executive Council will be in existence only for a very short time.

Mr. P. BANERJI: Sir, in rising to support the motion I must first point out the most silly argument advanced by Maulvi Tamizuddin

Khan. He suggested that some of the members on this side were labouring under a confusion of thought. There is no denying the fact that Government are seriously to be blamed for not reducing the expenditure under this head—this bankrupt Government, as I call it, who from year to year cannot present a budget that can be balanced. But it has been said in reply by representatives of the people sitting on my left, that if the Members continue to get Rs. 64,000 a year, it is in the fitness of things and in accord with their dignity that our popular Ministers also should be entitled to Rs. 64,000 also; but, Sir, if it is not possible for Government to reduce the salary of the Executive Council it was certainly possible for them to reduce the number thereof and thereby reduce expenditure. It has been argued that Bombay has reduced one Executive Councillor and here also this could have been done but one member suggested that it was not possible to do so here. But, Sir, nowhere in the Government of India Act is it said that it is not possible. What is contended is that the number of Executive Councillors should not exceed four. Now, Sir, when there was an opportunity—there were two vacancies in the Executive Council some time back, was it not possible for this Government to recommend that these vacancies be not filled up? That, I maintain, was quite possible to do and thus reduce expenditure by half. Sir, it has been established beyond doubt that the work done by the four Executive Councillors, could be done by three members, as some have suggested, or by one member only, as I suggested long ago, quite easily, with so many Secretaries to help them. However, if one Member could not do the entire work of the Council, if competent Members were available not more than two Members need be necessary and the work would rather be done nicely by two Members. I can quite concede that but why that is not done? I think, Sir, that under the present circumstances when Government is going to tax the people anew, is it not fair, is it not a crying shame on their part, to put their own house in order first, and reduce the number of the Councillors and thereby make a lot of saving, before asking the poor people to bear their extravagant expenditure? But that, Sir, they did not do and they have given us no argument why they did not do so. Our misfortune is, that whenever we suggest anything to the Hon'ble Members of the Executive Council they won't ever let us have our last say. We do not get any opportunity of replying to whatever is said by them because we have no opportunity of saying anything after what they say. Therefore it was natural for Mr. N. K. Basu, the leader of the opposition, to bring this matter to the notice of the House to-day after one year and he did not do so in vain. Another argument of Maulvi Tamizuddin's which I have termed silly is because he says that there will be 250 members in the new Council under the new constitution. Admitting for argument's sake, that we should continue to have seven Members of the Cabinet in the new constitution,

or for the matter of that, as was suggested by one member, sarcastically, of course, 14 Members, the fact is that our aim is to reduce expenditure. Under the new constitution we are not going to give our Minister Rs. 64,000 a year as at present. I consider that Rs. 500 a month will be sufficient for them because they will be representatives of the people and of the peasantry, who will do this public work not for their own gain but for public service. Even if we find 14 Members are necessary, what does it matter? On Rs. 500 a month the expenditure on even 14 Ministers will be much less than that on the present Cabinet Ministers. Even if this sum of Rs. 500 is not deemed sufficient Rs. 1,000 a month will certainly be enough for the average monthly expenditure of an average Indian gentleman doing public work. I need not remind members in this connection that Cabinet Ministers in England get much less than what our Ministers get here. That being the case, there was an excellent opportunity before the Government of Bengal but that opportunity was not taken advantage of for reasons very well known to them, for they would not care to do anything that is suggested from this side of the House. With these words I support the motion of my friend Mr. N. K. Basu.

(At this stage the Council was adjourned for 15 minutes.)

(After Adjournment.)

The Hon'ble Mr. R. N. REID: Sir, I think we ought to be grateful to Mr. N. K. Basu—I am sorry he is not here to receive the compliment—for the air of freshness and youth with which he has invested this hoary chestnut, the size of the Executive Council. I wish I could emulate his ingenuity, but I am afraid my reply will be described in to-morrow's papers—and no doubt justly so—as merely a stale repetition of the arguments put forward year after year in this House; not that, Sir, an argument is a bad one merely because it is old. Sir, the size of the Executive Council was determined a good many years ago when the new constitution came in. It was held that for the Reserved side it was necessary to have two official Members to deal with the work and to that were added to balance them two non-official members and thus you got your four Members of the Executive Council. I think I am right in saying that one reason why there were two non-official members was that there should be representatives of each of the two great communities of the province. That brings me to that point of which a good deal has been made of the value of having representatives, one from the Muhammadan and one from the Hindu community, a point which was made with great effect in Mr. Tamizuddin's admirable speech. It has been argued on the other side that that argument about having representatives of both communities in the

Executive Council goes for nothing when you have the balance made up in the Transferred side. But the answer to that I think is that, though perhaps it does not apply so much to the present cabinet, in the ordinary way Ministers may be here to-day and gone to-morrow, and therefore in that way the balance might be upset. On the other hand, if you have in the Executive Council men who are not so easily removed, and if you have representatives of both the communities you are on safe ground. In the past the Government of the day would have been at a great disadvantage if they had not had a member of each community on the Executive Council. I am referring to those days when the Ministry was short lived and of frequent change.

Mr. Narendra Kumar Basu, I think, was a little misleading when he made a certain amount of fun of my remarks of a year ago about the way in which the Members had to spend a good deal of time in thinking. He made out that there was so little to do in their own Departments that they had to fill up their empty days in thinking over the problems of the Departments of other Members of Government. That is hardly fair: Members of Council do have to spend a great deal of time in thought not only on the subjects which belong to other Departments but on those subjects with which they are concerned, and I maintain, Sir, that it is greatly to the advantage of the administration and of the country at large that the gentlemen at the head of the Government should have time and leisure to devote to pondering over the problems with which they are confronted. It cannot be to the advantage of the administration of the province that action should be taken in a hurry and without thought on all the aspects of each problem.

A good deal has been said this afternoon, at least in one or two quarters, about the good old days when this province, which covered a much larger area than it does at present, was governed by a Lieutenant-Governor and two or three Secretaries. Well, times have changed and we have to remember that. Times are now very different from the old bureaucratic days when the Legislative Council was a tiny fraction of its present size and when public opinion was not so vocal, and when altogether things were carried on in an easier way. Well, you cannot have it both ways. You cannot have democracy or semi-democracy as at present and tax the machine by the methods of the bureaucracy. You will shortly have a complete democratic institution. You have to make up your mind to have a much more complicated system of Government and inevitably of a much more expensive system of Government. The fact that the Legislative Council consists of 140 members means a great deal more work in the Secretariat. I remember Sir William Prentice referred to the amount of work which is caused in preparing the answers to the questions put in this Council. It is perfectly true that it means an immense amount of work because the answers have to be given with great care and accuracy, and in a dozen

other ways the semi-democratic institution must mean extra work and extra men to carry it on.

Then, the comparison was made again, and it had been made before, that the Bombay Government have reduced the strength of their Cabinet from 7 to 5 and why should we not do so. Well, I am not acquainted with the details of the conditions in Bombay; but I do know this that the population of Bombay is less than half of that of Bengal. I think the population is a fair basis of comparison. Quite clearly if you have a population of 50 millions it is inevitable that you will have more problems and more expenditure, and more difficulties to face than if you have a population of 20 millions. Further, in the Bombay Presidency there is this difference that a very considerable fraction of the province of Bombay is occupied by Sindh which has a Commissioner of her own who has a great deal more power than the Commissioner of a Division in the province of Bengal. Mr. Tamizuddin Khan who was prepared to support the existing number of Cabinet Members said that we pay too much to the Members of the Cabinet. Well, Sir, the history of that is well known; the pay of the Executive Councillors was fixed by the Secretary of State and then the question arose in 1921 as to what should be the pay of the Ministers. To start with the pay of the Ministers was on quite sound grounds fixed on exactly the same scale as that of the Executive Councillors. It will be remembered that the Joint Select Committee of that day recommended that the status of the Ministers should be the same as that of the Executive Councillors, and naturally it followed that their pay should be the same. In this country, and in most countries I imagine, the pay has a great deal to do with the status of an officer. It would be an invidious distinction if with the same responsibility within their own Departments the Ministers were given a pay which differs markedly from the pay of the irremovable Executive Councillors. It will be remembered also that the very question of pay of Ministers was debated in the Council in 1921. All sorts of different salaries were proposed varying from Rs. 1,000 to Rs. 3,500 a month; but all those proposals were defeated and the pay of the Ministers remained at what it was originally fixed and ever since no Legislative Council has ever undertaken to attempt to alter it.

I do not think that I need detain the House longer on this rather ancient history, but there is just one little point on which my friend Mr. Shanti Shekhareswar Ray wanted information. I think I can satisfy his curiosity. He wanted to know what is going to happen to the gentlemen whom he was kind enough to describe as the distinguished and esteemed members of the Council when the new constitution comes in. Well, I can tell him exactly what will happen: Sir John Woodhead and myself will retire into obscurity, Sir John Woodhead within a few months of his full period of 5 years' service

and myself within a considerably longer period. Sir Brojendra Mitter and Sir Nazimuddin will also throw off the trammels of officialdom and become free men to present themselves as candidates for the suffrages of the people and offer themselves for office in the new Ministry. Whether the salary which Mr. Banerji offers to pay for their services, viz., Rs. 500, would be acceptable to them, I am unable to say. Whether Mr. Basu desires to withdraw his motion or whether he proposes to put it to the point I do not know, but I beg to oppose the motion.

Mr. Narendra Kumar Basu's motion was put and lost.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 12,000 under the head "22D—Executive Council" be reduced by Rs. 100 (withdrawal of emergency cut in pay).

Sir, I do not think that there will be any section of the non-official members of this House who will not support this motion. Sir, I am sure that the reply from the Government benches will commence with the statement that the withdrawal of the emergency cut which the Government of Bengal has directed refers only to the officers employed by the Bengal Government in the Provincial and Subordinate and other lower services and that the Government of Bengal has nothing to do with the withdrawal of the emergency cut so far as the higher services are concerned and that therefore the Council has got to consider whether they will deliver over the poorer members of Government service to have their pay cut while the bigger ones will get their salary in full. Well, Sir, my reply to that is, firstly, this. We do not want that to whom who hath shall be given more: we do not want that the poorer men in Government service should suffer, while those who draw higher and comparatively princely salaries should not suffer. Sir, we had just had it told to us that the Executive Councillors and the Ministers pass a great deal of their time in thinking over the major problems of the province; but did these estimable gentlemen bestow any thought on the question of the resources of the province when they decided meekly to accept the increments to their own salaries caused by the withdrawal of the emergency cuts, *i.e.*, when the Government of India decided that the emergency cut would be withdrawn? Did the Hon'ble the Finance Member consider whether he could come before this Council with clean hands and asked for the support of the Council for his taxation proposals, with the withdrawal of the emergency cut in his own pay and in the pay of his brother members of the Cabinet in his pocket? I know, Sir, that the Indian Civil Service and the other services under the Secretary of State for India and the Government of India draw amounts voted to them or ordered to be paid to them by the Government of India; but when the Government of India decreed that the emergency cut of 5 per cent. from their salaries should be restored,

was it or was it not open to them to say: "We, in Bengal—a province, where we have not enough to make both ends meet and where we cannot feed the people or save them from diseases or cannot educate them, we would rather forego the 5 per cent cut?" Is it conceivable that if they had said so, the Government of India would still have said: "No, my dear fellows, you must accept the 5 per cent." Did they do so—and I do not know if they did so—and if they did so, then it is open to the members of the Treasury Benches to get up and say that they did so. I would then say "All honour to them and I would be prepared to withdraw my motion at once. If they did not protest against the withdrawal of the emergency cut in pay in Bengal, I submit, Sir, that this cut in the grant to the Executive Council ought to be carried by the House unanimously. It is patent to everyone in this House that by making this cut in the grant to the Executive Council we do not intend —and I reiterate it—to make the poorer men suffer. But this is the only constitutional way in which we can make it known that we view, with a sense of dissatisfaction, the withdrawal of the emergency cut in pay decreed by the Government of India so far as the superior services are concerned—the services which have got in the past and are still getting the benefits of the *Lee Loot*. We submit, Sir, that no case has been made out, while the surcharge on income-tax remains as it is, while the expenditure on the nation-building departments remains where it was, while the budget of the province cannot be balanced, and where the Hon'ble the Finance Member has to come up before this House with 5 Bills to get the paltry sum of Rs. 25 lakhs by additional taxation for making up the deficit—which, in his heart of hearts, why in his heart of hearts, even by his own words, he did not consider to be timely. I submit this is hardly the time when the Executive Council did not put its foot down and say that so far as Bengal is concerned, the emergency cut should not be restored.

Babu AMULYADHAN RAY: Mr. Deputy President, Sir, I shall submit, first of all, before you why the emergency cut in pay should not have been withdrawn. This is a point which leads me to the post-war revision of pay given to the services, superior or subordinate. The whole question depends on whether the present pay of Government servants is fair and reasonable, or too high or too low. Therefore, the question arises what principle should be followed in regulating their pay. Sir, we should pay to the services so much and so much only and nothing more and nothing less than what is necessary to obtain recruits of the right stamp and to maintain them in such a degree of comfort and dignity as will shield them from temptation and keep them efficient for the term of their service. This is the criterion adopted by the Islington Commission and accepted by the authors of Montagu-Chelmsford Report, the Public Services Commission and the Royal Commission

on the Superior Services in India. Sir, according to this universally accepted principle, the standard of pay of the same office subject to any contract cannot be the same for all time to come and under all circumstances, and it is to be applied in the light of the conditions then prevailing in the country. After the Great War, when the prices of all commodities went abnormally high and the cost of living became dear, the present scale of pay for those who entered the service before the 21st of July, 1931, was fixed; and I boldly submit that it is so high and unnecessary that none of the members of the services will resign if their pay is reduced by half at once. However, I am not inclined to——

Reverend B. A. NAG: I rise on a point of order. Is the hon'ble member speaking on the subject of the 5 per cent. cut?

Mr. DEPUTY PRESIDENT: Mr. Nag, you need not worry. It is my lookout to see that Mr. Ray is in order.

Babu AMULYADHAN RAY: Sir, I have yet to learn from the Rev. B. A. Nag whether I am in order or not. As I was submitting that I am not inclined to adopt that course of action, as it is likely to cause great discontent and bring about difficulties in the working of the day-to-day administration. But, after all, what is the average market value of an educated and qualified man, say a Deputy Magistrate, a Munsif or a member of the Indian Civil Service, or how much could he have earned, even if he had adopted the line of commerce or any other learned profession?——

Mr. DEPUTY PRESIDENT: Mr. Ray, will you please confine your remarks to the motion before the House?

Babu AMULYADHAN RAY: Sir, I was stating the reasons as to why the emergency cut in pay should not have been withdrawn. I submit, therefore, that I was in order.

Then, Sir, I would now deal with this matter from another point of view. Public opinion and Retrenchment Committee after Retrenchment Committee have declared, without the least wavering, that the pay of practically every service is unnecessarily generous and the post-war revision of pay is one of the reasons for the financial bankruptcy of the province and it is a great obstacle to the development of the nation-building departments.

The Hon'ble Sir John Woodhead, when introducing the taxation Bills, said that Government had considered carefully the situation created by the announcement of the Central authorities regarding the restoration of the cut in pay and came to the conclusion that justice

demanded equal treatment of the services under their control with the all-India Services. Sir, is it justice or a question of sentiment?—I may put it to the Council: To restore the cut in the pay of the public servants who are highly overpaid or to impose further taxes upon stamps or upon tobacco—which is fair and just—I put it to you. Therefore, under no circumstances the Cabinet as a whole should have withdrawn the emergency cut in pay.

Sir, before I resume my seat, I should like to give you the alarming figure which is spent in salaries; and this reminds me of the question whether the services exist for the benefit of the people or the people exist for the benefit of the services. The public servants of this poor country, I mean Bengal, where 80 per cent. of the people are half-fed, half-naked, are eating up annually about Rs. 6 crores, and the annual income of the people who are paying this sum of Rs. 6 crores was assessed by the Banking Enquiry Committee at Rs. 84 per head per annum bearing an additional burden of debt amounting to Rs. 160 and for whose education the Hon'ble the Education Minister spends only 2 annas per head. Sir, do the conditions which existed before 1921 exist to-day? Are the prices of commodities and the cost of living the same as before? Does the pecuniary condition of the province permit the restoration of the cut in pay in preference to the taxation measures introduced by the Hon'ble the Finance Member? Does Bengal present a surplus budget like Delhi? Did the Retrenchment Committee recommend the restoration of the cut in pay? Sir, I pause for an answer from the Hon'ble Khan Bahadur Azizul Haque——No answer, Sir. I am sure the mouth of the Hon'ble Khan Bahadur is closed. His action as a member of the Retrenchment Committee is quite contradictory to his action as a member of the Cabinet. Therefore, under all these circumstances, the clear duty of the Cabinet as a whole was not to withdraw the emergency cut in pay. With these observations, I support the motion.

Maulvi ABUL KASEM: Sir, I am sorry that in this matter I cannot see eye to eye with my friend, Mr. Narendra Kumar Basu. At the very beginning of his speech he distinctly stated that he anticipated what the answer of Government would be and that he did not want that this cut should be continued in the case of the poorer clerks, ministerial officers and the Provincial Service officers. What he wanted actually by this motion was to pass a vote of censure on the Executive Council and the members of the Superior Services for not having protested against this cut being restored in their pay in Bengal because of the situation peculiar to Bengal. But I am afraid that if we pass the motion as it is worded, the result will be that the Government of Bengal will be unable to interfere with the salaries or emoluments of the Imperial Services; the effect of it will be that the Government will not

restore the cut in the case of the poorer clerks and others of this Province. Why do you restore the 5 per cent. cut? If you pass a censure on that the Government will have to revert to the 5 per cent. cut, whatever the technicalities may be or the legal position may be. I now come to a more serious matter. In this Council and of late we have talked and talked not very seriously about various matters that come up for our discussion particularly during the budget session. My friend Mr. Amulyadhan Ray has said that the Indian Civil Service is a very richly paid service and that they can do the work which they are doing at a much lower pay. Therein I entirely disagree. I open myself to serious criticism and say that I am acting and talking in an anti-national spirit, but I would ask my friends to put their hands on their hearts and say whether they are prepared to carry out the administration of the country without the services of the Indian Civil Service. My second question is and I will go further and say—Are we prepared to carry on the administration efficiently and to the benefit of the masses without the British element of the Indian Civil Service in it? It has been said that they get abnormally high salaries. I would remind my friends that the Indian Civil Service, for whatever reason it may be either for the conditions in this country or otherwise, has not the attraction which it had many many years back. I remember the day when the Secretary of State for India Mr. Smith, otherwise known as Lord Birkenhead, had to run from University to University for doing propaganda work to ask British boys to join the Indian Civil Service; still he did not succeed. To-day if you see the list of candidates for the Indian Civil Service Examination which is held in England you will find that the number of candidates from the British Isles is very small, and why? I do not mean to say that the pay is not attractive, but the point is that it is not so attractive as to ride over their scruples and difficulties. You cannot forget the difficulties of the Britishers serving in India. You do not find everyone in the position of the Executive Councillors that adore the Writers' Buildings. What about the men in the mufassal? They practically live a life of solitary confinement. In support of my statements I would say that you must decide once for all whether you would have men appointed by the Secretary of State, or to be more brief, whether you would have a certain amount of British element in the administrative posts or not. I would say, although I may be charged and characterised as unpatriotic but I would say that I would consider it very disastrous for the country if the British element is absolutely withdrawn from the country. We have had such examples. The question is that national aspirations and national aims do not depend on getting high posts. But I find that a cry has been raised in the country how best to secure important appointments and I may say remunerative appointments for myself or my countrymen. That is a wrong policy. I hold it and I think that the day is coming very soon when we shall feel that

it is necessary for administrative purposes to have a certain amount at least, the more the better, of the British element in our services. When there was a riot at Saharanpur, it so happened that the District Magistrate of that district happened to be a Muslim and a Provincial Service man, and at the time the Lee Commission was sitting at Delhi, and no less a personage than one of the ex-Presidents of the Reception Committee of the Congress did send a telegram to the Viceroy to send a Britisher as a District Magistrate of Saharanpur because they had no confidence in the Indian. So, when there is a question of some difficulty they will always ask for a Britisher to be put in charge of the administration. Now to come to Bengal. Why the Civil Servants, the Britishers at any rate, are not willing to come to Bengal? The reason is simply this. Here by our actions we make the Government unworkable. I know that at this moment when the treasury is almost bankrupt we have recourse to fresh taxation which is very unpleasant to all concerned and I protested against it, but I cannot forget that a certain amount of expenditure has been thrust upon the Government by us. What about the large amount of money that we have to spend for the suppression of terrorism and anarchism, and what is more, what about the recurring expenditure to protect the lives and liberties of the public servants? I want to put a question to those patriots who now cry about the princely salaries drawn by the Indian Civil Service. What have they done to see that their countrymen do not misbehave themselves? The system of Government to-day is the same as it was 10 years back. What special things have been done in Bengal for which there should be a body of people who should go about murdering and looting in the name of politics?

Mr. DEPUTY PRESIDENT: Order, order. I think you should come to the point at issue.

Maulvi ABUL KASEM: What I mean to say is that as it is necessary to have a certain amount of British element in the administration, you cannot afford to have them unless you give them proper pay, and I tell you, as an example, that no member of the Indian Civil Service who has risen up to the highest rank would allow his sons to join the Service. They prefer going to Clive Street where men of even lesser ability get an income extending over five digits, but they do not like to join this Service. There was a great pressure put in the case of a distinguished Member of the Indian Civil Service, I mean Sir Malcolm Hailey, in getting his son join the Indian Civil Service, but it was without success. That shows that there is a great danger which I look with great apprehension. There is some time yet to come up till when there ought to be some element of Britishers in the administration. There may be very great latent qualities in my countrymen but at any

rate they have not given evidence of it. Look at the administration of the Calcutta Corporation——

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. We are not discussing the question of the Calcutta Corporation.

Mr. DEPUTY PRESIDENT: Maulvi Sahib, I think it is better that you should come to this question of emergency cut.

Maulvi ABUL KASEM: With your permission, Sir, I would like to point out that the mover of the motion distinctly stated that he did not want the cut not to be restored in the case of the lower services, but he pointed his motion as a censure on the Treasury Bench for not protesting against the restoration of the cut in the case of the Civil Servants. But if you say that you want to have this motion carried so far as the withdrawal of the 5 per cent. cut is concerned, then I strongly protest that the poor ministerial officers should be sacrificed because of the whims of certain members of this Council.

Mr. S. M. BOSE: Sir, I am in entire sympathy with the underlying principle of this motion. As I have already said when dealing with the five new taxation Bills, there can be no possible excuse for the restoration of the salary cut. In Bengal where there is a huge accumulation of debts, that ought not to have been done. It is clear, I submit, that Bengal's financial position does not justify this action of Government. We have been informed that this restoration of the cut in pay will mean an extra expenditure of Rs. 17 lakhs, whereas by the new taxation Bills we are to get about Rs. 24½ lakhs. We have been told of the Finance Enquiry Committee which is coming out soon, and we are told that we must satisfy that Committee that Bengal had been doing its utmost to pay off its debts. Will it look proper if, in spite of our admitted insolvency, we are to restore this cut and incur an extra expenditure of Rs. 17 lakhs? I repeat therefore that theoretically and on principle this motion is perfectly right, but—and there is always a but—the question to my mind is whether there are any practical difficulties in our way, difficulties which to my mind are insurmountable. As was the case with other provinces, Bengal too had to restore the cut. Sir, we have no control over the Government of India and we must perforce follow suit. In Bengal, we have numerous officers under the Government of India, for instance, in the Railways, in the Income-Tax Department, in the Posts and Telegraphs, in Commerce, in the Accountant-General, Bengal, etc.; they will get their cut in pay restored. I submit, Sir, that the same rule should apply to the cases of officers serving under the Government of Bengal as to cases of officers serving under the Government of India. Suppose, Sir, A is in the Income-Tax Department, and his brother B is a Postmaster and

another brother C is a clerk working in the Writers' Buildings under the Minister of Education. Does it not look absurd that A and B should get their full pay while their brother C, because he has the misfortune of serving under the Government of Bengal, will continue to get his pay less 5 per cent.? Further, there are many officers in Bengal belonging to the All-India Services, for instance, the Indian Civil Service, the Indian Medical Service, the Indian Education Service, the Indian Police Service, the Indian Forest Service, the Indian Service of Engineers, etc. The pay of these officers will be restored in full, but the pay of the humbler officers under the Government of Bengal belonging to the Bengal Civil Service, the clerks and assistants in the departments under the Ministers will continue to be cut by 5 per cent., if this motion be accepted. In other words, those who get fat salaries will get them in full. "To him that hath, it shall be given, and from him that hath not, even that which he hath shall be taken away." Now, Sir, let me consider the matter from another point of view. Mr. Basu has suggested that this is merely a paper resolution, not to be given effect to. Sir, I do not understand that position. If this resolution be passed, then I maintain that, so far as the transferred departments are concerned, the resolution must be given effect to. This is therefore not a paper resolution intended merely to mark our protest. This must be given effect to so far as the transferred departments are concerned. On that point there can be no appeal, and no restoration, because we are the masters so far as the pay of officers working under the transferred departments is concerned. As regards the reserved departments, no doubt this resolution, if passed, will not bind the Government to give effect to it. But I have no doubt that His Excellency the Governor having regard to the spirit of the constitution will very probably give effect to our resolution in respect of the reserved departments also. In that case, all the people working under the Government of Bengal, whether in the transferred or in the reserved departments, will have their 5 per cent. cut continued, including everybody in the Bengal Educational Service, Bengal Medical Service, the Provincial Survey Service, in short, including all the provincial services, senior and junior, and the clerks in the Courts of Wards Estates together with the *chaprassis* and menials; so that everybody's pay will have to be cut and there will be no option left to the Government of Bengal, so far at any rate as the transferred departments are concerned. Sir, will this not bring about grave discontent, heart-burning and also a weakening of loyalty of these men who are serving under the Government of Bengal? I want to appeal to the members here, through you, Sir: let them not think that it is a mere idle resolution to mark our sense of resentment at the action of the Government of India: nothing of the kind. This is a real resolution to be given effect to, if we pass it and it is to be taken seriously. The members of this

Council are supreme. (INTERRUPTION FROM RAI BAHADUR DR. HARIDHAN DUTT) I do not want any interruption from any Rai Bahadur. I again appeal, Sir, to the members of this Council to regard this matter very seriously. They are supreme as I have already pointed out as regards the transferred departments. I beg of them to consider the matter with a full sense of responsibility and not mislead themselves into thinking that Government will restore everything, even though we pass this resolution. I can quite understand, as I have said, that behind this motion lies a feeling of resentment at the action of the Government of India in forcing our hands. That is not an unnatural feeling and I fully share in that feeling but I humbly suggest to them that they should not allow this natural feeling to lead them into any act of injustice towards any one of their own people, whose fate lies in their hands. With these words, Sir, I oppose the motion.

Mr. W. H. THOMPSON: Sir, as I do not desire to enter into any of the irrelevancies which have already been insinuated in this debate, I hope to be very brief. I shall be brief for another reason also, because my friend Mr. S. M. Bose, the last speaker, has practically taken my words out of my mouth. We have that feeling of resentment at the action of the Government of India to which Mr. Bose and some previous speakers have referred. Now, Sir, I am going to be irrelevant. When this question of the restoration of the pay cut will come up in the Legislative Assembly at Delhi, all the irrelevancies which have been mentioned here can very well be mentioned there also; viz., that the surcharge on income-tax and the cut on salaries should have been treated in a similar manner because they were put on together; what do we find instead? Last year half the salary cut was put back but the surcharge remained. This time, we hoped that the next stage would be to leave the 5 per cent. cut on salaries and give us back our surcharge, but we find that the remaining cut on the salaries has been put back and the surcharge reduced only by 33⅓ per cent. This, as I have pointed out before, is entirely irrelevant but the feeling of resentment remains against the Government that they have not kept faith. In spite of what Maulvi Abul Kasem said about Clive Street brains we have been trained to the relevancies of logic, and although we too carry that resentment with us, we do not let it take us so far as to support this motion. If you allow this feeling of resentment to guide you in the matter, then, what you would practically say, and, what Mr. S. M. Bose has very nearly said, is that, because the Government of India put back the cut we ought to oppose the taxes proposed by the Government of Bengal. If we passed a resolution like that and we presented the resolution to the Government of Bengal in such a form and sent a copy to the Government of India,

then the mere fact that there is no relationship between the two matters, which we should be putting in juxtaposition, would give both the Governments a good reason for throwing them each straight into its own waste-paper basket.

Sir, it was not fair of Mr. N. K. Basu, and he knows it was not fair, to ask Sir John Woodhead whether he asked to have the salary cut in the case of the upper services not restored in Bengal. Fair or not, there is another way of looking at it. We pay high salaries, and we sometimes pay higher salaries even to people who are not worth it, because we want each of them to give of their best and because we want efficiency. Now, Sir, this present cut motion deals with the cut on the junior services. With this 5 per cent. remaining it is quite easy for an officer to drop his efficiency several points. If he is the sort of man I am thinking of for the moment when he has a grievance he will not drop simply 5 per cent. efficiency, because his salary has been cut by 5 per cent. but he will drop his efficiency by much more than that. And with the best heart in the world, if a man is aggrieved, his efficiency will drop by something which you cannot measure merely in terms of a 5 per cent. cut. If your subordinate services in Bengal found that the upper services were getting the 5 per cent. cut restored, there would be such a grievance among those services that their efficiency would drop not by 5 per cent. or 10 per cent. but by much more than that. So, is it not worth while to restore the 5 per cent. cut, rather than leave your subordinate staff with a grievance which will result in their efficiency going down? The same should be said of the suggestion that Bengal should have been made an exception to the restoration of the 5 per cent. cut as regards the superior services. If you had left your I.C.S. officers in Bengal with salaries bearing the 5 per cent. cut, while the I.C.S. officers in other provinces were relieved of that, there would bound to be so much resentment among the former that the efficiency of the administration must suffer in the end. Therefore, Sir, so far as my group is concerned, we cannot support this motion even as a token cut; and I would like to say one or two words about a token cut. To some people a token cut means simply a wave of the hand; but to us, who have been trained and brought up under democratic institutions in our own country, things shape differently. A token cut as an expression of opinion is just as serious a matter, and is to be dealt with with the same feeling of responsibility, as a cut in actual cash.

Dr. NARESH CHANDRA SEN GUPTA: Sir, at the outset I would try to dissipate some of the smoke that has been raised by that elaborate excursion into irrelevancy which Mr. Abul Kasem has started and some of which was contributed by Mr. S. M. Bose. Sir,

the question which we are discussing now is the question of a token cut of Rs. 100 just to register the disapproval by this Council of the policy of the restoration of the 5 per cent. cut. It is nothing more nor less than that. We have no question here whether the I.C.S. people are absolutely essential in administering our country or whether the I.C.S. men are worth every pice that they earn—a problem which troubles Maulvi Abul Kasem so much.

Then, Sir, there is no question of the restoration of the 5 per cent. cut not being given effect to if the Government choose to do it. It is not an economic cut, but a token cut. Well, Sir, we look upon a token cut as seriously as Mr. Thompson would ask us to do. By token cuts we express our disapproval of the policy of Government. It is not a mere wave of the hand nor a paper motion. It may be that the policy is entirely of the Government of India and has been thrust upon them to a certain extent. But we have got to pay while we resent to express disapproval by a token cut. We do not really want that the men in the Provincial Services should be deprived of 5 per cent. of their salary while their more fortunate brethren in the superior services should go on without having their salary reduced proportionately. So, there is no question of reducing the salary of those who are in the Subordinate and Provincial Services. But supposing it was so, I think the Government of Bengal would be justified in their action as they would have to cut their coat according to their cloth. Mr. Bose has tried to point a moral by a quasi-algebraical formula. He is scandalised at the idea of A and B in the Indian Services getting their full pay and his brother C in the Provincial Service not getting his full pay. I would ask him to carry on the illustration a step further. What about a fourth brother D who is a trader or E who is in a profession whose incomes have been reduced by much more than 5 per cent. Are you going to restore the cuts in the income of those people? It is absurd to talk in that strain. I must say at once that I have no grudge against the officers, high or low, and I do not grudge them the salary they get. Salary is not a matter of absolute competence. It is three-quarters luck and one-quarter competence. What, however, I do mind is that at a time when the country at large has to submit to a wholesale cut in its income and when you cannot balance your budget it is not proper for you to increase the salary of your officers by restoring the cut. It may be said that the position is not so desperate now. On the revised estimates for 1935-36 the Hon'ble Finance Member estimated, when he presented the budget, that there would be a deficit of 46 lakhs. It turns out, however, that the receipts are better by nearly 39 lakhs. So, the deficit is much less than was expected: less by Rs. 38,97,000. But with regard to the next year in which the jute duty is taken at its full normal figure he expects a large deficit.

Here again I think there is room for supposing that he is unduly modest in his estimate. Looking upon the figures of jute of some lean years it may be assumed that next year may be a better year so far as jute is concerned. In that case the income from this source would be greater than is estimated. Then there are other sources of income which can show better results. The estimates of the Finance Member are very very conservative. The revised estimates of last year show that Sir John Woodhead does not err on the side of optimism. On these facts we may be justified in anticipating that we may not have a deficit budget next year. If that be so, I ask Sir John Woodhead to take courage in both hands and to face this comparatively small deficit of next year without fresh taxation and on that basis also to go forward and restore the cut in the salary of the men in the services. If he is prepared to undertake that risk, if he is prepared in view of the already improved finances and of the expectation of better days to give up the additional taxation that is going to be imposed or if he postpones it till next year, then I do not think the House will stand in the way of the removal of the 5 per cent. cut. The whole point about the restoration of the cut is probably the fact that it comes side by side with the proposal for increased taxation for balancing the budget. If the Hon'ble Finance Member can say that he is in a position to restore the 5 per cent. cut even without taxation, then let him do that and let him give the relief. The improvement that has already occurred may go on. But if he sticks to his conservative pessimism that there is no looking forward to better days next year, then there is no reason for removing the 5 per cent. cut. Then again, perhaps in withdrawing the 5 per cent. cut in the matter of the Provincial and other Subordinate Service men we are calculating without knowing what the Government of India is going to do in this respect with regard to the men of the Indian Services. The Finance Bill has not yet been passed and it is quite on the cards that the Finance Bill may not be passed in its present form. If you remove the 5 per cent. cut in regard to the salary of men in the Provincial and other Subordinate Services while the Government of India finally decides not to do so in regard to the salary of men in the Indian Services, the result would be anomalous. I do not know the exact constitutional position in regard to that. Anyhow unless the Hon'ble Finance Member can assure us that he will hold back the additional taxation proposals and will be able to meet the 5 per cent. increase out of the ordinary revenues, I think it would be quite just and proper, nay absolutely necessary for us to register our votes against this proposal of 5 per cent. increase and not let it go by default. We need not assume what will happen to the Finance Bill, but let us confine our attention to a matter which affects our own purse and not hold back from imaginary fears. The carrying of the token cut will simply but

effectively register our disapproval of the policy and will not handicap anybody in any way.

Reverend B. A. NAG: Sir, I have heard many good motions, wise, and otherwise discussed on the floor of this House, but I have not heard a more undignified one like the present one. I quite agree with Mr. Thompson and Mr. Bose that there is a sense of resentment behind this motion and I will add that that resentment is due to ignorance about the meaning of the 5 per cent. cut. It has been so discussed as if the salary has been reduced. No, the salary has remained the same and pension is to be calculated on the basis of that salary as also the provident fund. Probably the better way of putting it would have been a 5 per cent. contribution in the need of a common sacrifice in a national emergency. These were the words of the Finance Member of the Government of India, Sir George Schuster, when he introduced the question of this 5 per cent. cut; he said that its justification was in the need for a common sacrifice in a national emergency. I therefore look at it from this standpoint. When I look at the Budget speech of our Finance Member and also look at the appendix, I find that the first item says that the restoration of the 5 per cent. cut in pay would involve an expenditure of Rs. 17 lakhs a year; I read it as a contribution from the officers employed under the Government of Bengal in a national emergency. That contribution has been made silently, patiently and without a murmur, and, to revert to Mr. Thompson once again, not to restore it would not mean a 5 per cent. less efficiency. Sir George Schuster made it very clear, while introducing this 5 per cent. cut, that "it was nothing less than a direct variation of the conditions under which an officer enters the Government service and it must be remembered that the security of these conditions represent an essential attraction of service under Government. It would be fatal to the public interest if that sense of security were destroyed." The efficiency of Government servants would not be less by 5 per cent. but the effect would be that Government had failed to fulfil their pledge to their officers who had yielded without a murmur to this 5 per cent. cut. The same Finance Member (Sir George Schuster) said:—"We think that it should be practicable to impose the cut from the 1st December next. It must be clearly explained that there is no intention that this should remain operative beyond the 31st March, 1933." That, Sir, was the solemn assurance given to the subordinates of Government when the cut was introduced. Of course, Sir George gave a further explanation when this cut was reduced from 10 per cent. to 5 per cent. But to-day, Sir, the conditions are very different. Moreover, Sir George Schuster said: "I wish particularly to emphasise that this must not be regarded as optional expenditure to be weighed in

the balance against other possible demands on the public funds. Government is not really meeting its full obligations as long as it is not paying fixed rates to its officials—rates, moreover, which, in certain cases, are guaranteed by the Government of India Act." I ask, Sir, will it be honourable not to restore this cut? Will it be honourable for the members of this Council to ask the Government to contract a breach of contract with these officials? These officials have a right to say to the Hon'ble the Finance Member: "Sir, if you want to reduce our salaries, you can reduce them by all means; but we shall know where we are." Mr. Amulyadhan Ray has said that if an officer of Government is not satisfied with the conditions of his service, he might resign: plenty of men will be forthcoming to take up his job. My answer to him is that such officers may or may not resign. They might say: "Sir, you have assured us that our salaries will remain the same, that our pensions and Provident Fund contributions will be calculated on our gross salaries. Then, why should you not be honourable in restoring the cut?"

Sir, the present Finance Member of the Government of India, I mean the Hon'ble Sir James Grigg, while speaking on the restoration of the cut, said: '.....in this matter Government were bound by pledges which were both categorical and repeated, and in my view these pledges are conclusive." It has been said, Sir, outside this House, amongst the people at large, that if the Council composed of a majority of Indian members could refuse to keep faith with their own subordinates—their own servants—the latter would say: "Woe unto ths Swaraj that is to come!" Will it be the sort of treatment that the new Swaraj Government will mete out to their own servants? It is natural for them to demand the restoration of a certain cut as soon as the national emergency was over. And further, because the people of this province may have to pay a tax of one, two, three, or four rupees a year, on account of the new taxation Bills, will you refuse the restoration of the cut in the case of a man drawing, say a salary of Rs. 100 per mensem, who shall have to pay a sum of Rs. 60 per annum if this restoration in cut is not implemented,—call it tax or call it contribution—and say unhesitatingly "Yes: we must continue the cut." I hope the House is more honourable than that——

Maulvi ABUL QUASEM: The House is honourable.

Mr. P. BANERJI: Sir, he is repeating his master's voice.

Reverend B. A. NAG: I am glad that Mr. Banerji has found it out.

Sir, I have nothing further to discuss about the comparative position of the higher and the lower services; to me that is nothing. To

me the whole thing is this: Government in the person of the Finance Member of the Government of India made a promise. Will he fulfil that promise or not? If we advise that he should not fulfil this promise, we will make Government faithless and we will prove ourselves unworthy of Swaraj. It is similar to the advice which was given by some of our political leaders that we should repudiate all national debts. Sir, if we want to have the future of India secure, we must be honourable. It is difficult to understand this House—because when the cut was imposed, there was a resolution tabled in this very House in 1932 over the signature of Mr. J. L. Bannerjee and also of my friend, Syed Majid Baksh, regarding the inequitable action of the Government in imposing this cut.

Mr. NARENDRA KUMAR BASU: Sir, is dancing permitted on the floor of the House?

Reverend B. A. NAG: Sir, I will not take up more time (SEVERAL VOICES: Please do not). But I will simply say this, that I would appeal on behalf of my countrymen that we prove ourselves worthy and honourable to fulfil any pledge that Government might have made to their subordinates.

The Hon'ble Sir JOHN WOODHEAD: Sir, on more than one occasion during this session I have attempted to explain the position as regards the restoration of the 5 per cent. cut and I am afraid I shall have again to repeat what I said on previous occasions.

Early in February of this year the Government of India announced their decision to restore the cut in pay not only in respect of all the members of the All-India Services, but also in respect of the members of all the Central Services, that is, the Services working directly under the Government of India. I would invite the particular attention of the members of the House to the fact that the restoration of the 5 per cent. cut in pay as decided upon by the Government of India was not limited to the All-India Services—it applied to every officer, high or low, highly paid or lowly paid, serving under the Government of India. I would also remind the members of the House that there are many officers of the Government of India employed in this province. For instance, the staff of the Accountant-General's office, the large staff of the Post and Telegraph Department's offices, the Railway Services throughout the province, the staffs of the Customs offices, the office of the Director-General of Commercial Intelligence in the Commerce Building and many other offices—all of whom work in this province. The Local Government considered the position created by the decision of the Government of India to restore the cut in pay in the case of all officers employed under the Government of India and

the officers of the All-India Services employed in the provinces, and the conclusion they came to was that they could not justify the continuance of the 5 per cent. cut in pay in the case of their own officers. Again, as I did in replying to the budget debate, I would ask the members of the House to put themselves this question: Suppose we, the Local Government, knowing that the cut in pay had been restored in the case of all officers employed under the Central Government and also of all officers of the All-India Services employed in this province, had refused to restore the cut in pay in regard to our own officers, in the case of, say a clerk on Rs. 40 a month, would we not have laid ourselves open to even a more serious attack than has been launched against us to-day? I am sure we would. Further it looks to me extraordinarily difficult, situated as we are in India, apart from the position created by the restoration of the cut in pay in the case of officers serving in this province belonging to the All-India, to justify the retention of the cut in the case of our own officers—officers under our rule-making power—when their brother officers working alongside them in this province under the Government of India have had their cut in pay restored. That, Sir, was the position; and I feel sure that my friend, Mr. N. K. Basu, realises the position as much as I do. In fact, the line he took in his speech seems to me to indicate clearly that he does realise that the situation is as I have described it.

Again, Sir, I repudiate the insinuation or suggestion that the taxation proposals, which are still before this House, have anything to do with the restoration of the cut in pay. As I said before, if the cut in pay had not been restored, those taxation proposals would certainly have been put forward. Our deficit in the coming year on revenue account is in the region of 69 lakhs. If you deduct 17 lakhs—the cost of the restoration of the cut in pay—from 69 lakhs, you get 52 lakhs. Therefore, apart from the restoration of the cut in pay, the deficit is 52 lakhs. Again the taxation proposals are estimated to yield 24½ lakhs which is less than half of 52 lakhs. It is perhaps unfortunate that the two things have come together—the restoration of the cut in pay and the proposals for additional taxation—but I can assure the House that there is no connection between the two and I trust the figures I have given establish that fact.

Mr. Narendra Kumar Basu said that the object of his motion was to protest against the action, I presume, the action of the Government of India and the Secretary of State, in restoring the cut in pay of the members of the All-India Services. As I have tried to explain, what the Government of India did was not only to restore the cut in pay as regards the members of the All-India Services but to restore the cut as regards all their servants from the highest to the lowest. Therefore, Mr. Narendra Kumar Basu's motion only deals with half the question. It is not the position that the Government of India decided

to restore the cut in pay only in regard to the highly paid services. On the contrary they decided to restore it in regard to all the services working under the Central Government. And having regard to that decision we, the Local Government, came to the conclusion that it was impossible to justify the continuation of the cut in regard to our own services.

Dr. Naresh Chandra Sen Gupta, however, went further than Mr. Basu. He objected to the entire policy of restoring the cut in pay. I was not sure whether he objected to the policy followed by the Government of India or the policy followed by ourselves. As I have tried to explain the position so far as Bengal is concerned is a simple one. The Government of India decided to restore the cut in pay in regard to all their Services, and we felt that in justice to our own Services we were compelled to follow suit.

Mr. Amulyadhan Ray rather digressed from the subject under discussion and appeared, if I understood him rightly, to suggest that the pay of every Government officer in Bengal should be reduced by 50 per cent. I do not propose to argue with him on this point, it is irrelevant, but I would remind him of one fact, and that is, when the Committee that was appointed to examine the question of the revision of the pay of the ministerial services in Bengal submitted their report, there was a majority and a minority report. The minority report was that written by the non-official member of the Committee, a member of this House, and if his proposals had been accepted, the cost of the increase in salaries of the ministerial officers would have been 50 per cent. more than they actually were. According to the Committee's report, the estimated increase was in the region of Rs. 40 lakhs a year. The increase according to the recommendation of the member of this Council was about Rs. 60 lakhs a year.

Mr. S. M. Bose has expressed a fear that by restoring the cut in pay we shall prejudice our position before that committee which will be appointed to conduct the final financial enquiry before the Reforms are introduced. I have no fear on that score. Our reply undoubtedly will be that in view of the action of the Government of India, action taken in view of their financial position, we felt we could not in justice to our own services refuse to restore the cut in pay.

Sir, I oppose the cut motion.

Mr. Narendra Kumar Basu's motion being then put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Maulvi Nural Abser.
Dutt, Rai Bahadur Dr. Haridhan.
Guha, Babu Profulla Kumar.
Hoque, Kazi Emdadul.
Hussain, Maulvi Muhammad.

Khan, Maulvi Tamizuddin.
Maiti, Mr. R., Bar.-at-Law.
Mitra, Babu Sarat Chandra.
Mukherji, Rai Bahadur Satish Chandra.
Nag, Babu Suk Lal.
Poddar, Mr. Ananda Mohan.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hemal.
Roy, Babu Jitendra Nath.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Nem Chandra.
Saadatullah, Maulvi Muhammad.
Sen, Rai Bahadur Jogesh Chandra.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Armstrong, Mr. W. L.
Arthur, Mr. C. G.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Babu Premhari.
Barma, Rai Sahib Panchanan.
Bazir Uddin, Khan Sahib Maulvi Mohammed.
Benjamin, Mr. H. D.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Nadzar Rahman.
Chokany, Rai Bahadur Ram Dev.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Gurupreead.
Dutt, Mr. G. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Ferguson, Mr. R. H.
Gilchrist, Mr. K. R.
Gladding, Mr. D.
Guha, Mr. P. N.
Guthrie, Mr. F. C.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Homan, Mr. F. T.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Ali Abdulla.
Khan, Mr. Nasheem Ali.
Lamb, Mr. T.
Leeson, Mr. C. W.
Lockhart, Mr. A. R. E.
Maguire, Mr. L. T.
Martin, Mr. G. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nandy, Maharaja Srie Chandra of Kasimbazar.
Nazimuddin, the Hon'ble Khawaja Sir, K.
Paul, Sir Hari Sankar.
Raheem, Mr. A.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Rees, Mr. J. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. R.
Steven, Mr. J. W. R.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. J. R.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Sir John.

The Ayes being 31 and the Noes 63, the motion was lost.

(At this stage the time-limit for the discussion of the demand was reached.)

The original motion of the Hon'ble Mr. R. N. Reid was then put and agreed to.

(The Council was then adjourned for 15 minutes.)

(After Adjournment.)

24—Administration of Justice.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 75,09,000 be granted for expenditure under the head "24—Administration of Justice."

MOTIONS FOR REDUCTION.

Mr. DEPUTY PRESIDENT: I would like to take up motions Nos. 299, 302 and 305 together. Has Sir Brojendra any objection?

The Hon'ble Sir BROJENDRA LAL MITTER: I have no objection but I want to point out that motion No. 299 deals with the Original Side of the High Court while motion No. 302 deals with the Appellate Side.

Mr. DEPUTY PRESIDENT: Anyhow they can be discussed together but put to vote separately.

Rai Bahadur SATYA KINKAR SAHANA: Sir, I beg to move that the demand of Rs. 73,000 under the head "24A—High Court—Original Side—Registrar" be reduced by Rs. 100 (retrenchment and congestion), and also beg to move that the demand of Rs. 74,000 under the head "24A—High Court—Appellate Side—Registrar" be reduced by Rs. 100 (retrenchment and congestion).

Sir, it may seem bold on the part of a layman like myself to move about the High Court. My only justification is that the High Court being the highest tribunal in the land where British justice in its pristine purity is administered does affect every one of us. It is a sacred institution which every one in the province looks up to for justice. Every man, be he a lawyer or a layman, has the right to try to set right whatever tends to lower its efficiency or its position in the public estimation.

My principal complaint is that though retrenchment has been more or less enforced in Bengal in various other departments, it has not, so far as one can judge, been applied in the case of the High Court. The High Court is under the Government of India and so the India Government appointed a Calcutta High Court Retrenchment Committee in 1923 under Mr. Muddiman. That Committee made certain recommendations and I would ask the Government to let us know which of the recommendations have been carried out and which not, and what are the difficulties in the way of their acting upon any of the recommendations.

Admittedly, Sir, there is a great congestion of work in the High Court. The Committee made certain recommendations to get it removed but I do not know how far they have been adopted. The Committee recommended curtailing of occasional holidays and Saturday sittings for half day in the Original Side. The Bar, as far as I know, approved of the proposed Saturday sittings for the disposal of undefended cases and of *ex parte* motions or matters that had been settled. It was

expected that this would provide work on those days for the juniors and leave the remaining five days of the week for contested matters. Instead of adopting that recommendation, as far as I know, there are not Saturday sittings and the number of holidays is going on increasing. I believe the High Court does not sit for more thau 180 days in the year.

Though the recommendations of the Committee for the removal of congestion which are calculated to be a sure method of it, have not been adopted but additional Judges have been appointed for that purpose. This, Sir, cannot but be regretted.

Then, Sir, the recommendation of the Committee for the reduction in the number of Assistant Registrars and court clerks should have been given effect to, but nothing has been done.

The post of the Sheriff should have been made honorary as it is the case in other provinces. The Sheriff's post costs rupees twenty to twenty-five thousands annually. My friend Mr. S. M. Bose has been agitating since 1932, about this and I would like to know what progress has been made up till now.

Sir, I would request the Hon'ble Member who knows all about the High Court to see that the posts as recommended are Indianised as far as possible. The example of Bombay and Madras which by an irony of fate are at present richer than Bengal should I think be followed in this respect. Further, Sir, I would beg of him to take early and effective measures to remove congestion of work in the courts. Though law's delay is proverbial there should be a limit to it: we should not forget that justice delayed is justice denied.

With these words I commend my motion for the acceptance of the House.

Mr. DEPUTY PRESIDENT: Mr. Bose, I do not think your motion (No. 305) goes very well with the motions moved by Mr. Sahana. So I do not think you need move your motion at this stage. Mr. Sahana's motions are now open to discussion and you can speak on them.

Mr. S. M. BOSE: My motion also deals with retrenchment in the High Court but if you so like I will not move it at this stage but will speak on Mr. Sahana's motions.

Sir, may I say a few words in support of the motions moved by Mr. Sahana? The object of these motions, I take it, is to call attention to the question of retrenchment in the High Court as Mr. Sahana has pointed out. Sir, the axe of retrenchment has been applied to all the departments under the Government of Bengal but the High Court, being outside the purview of the Bengal Government, has escaped.

In 1925 a High Court Retrenchment Committee was appointed which made certain recommendations. I would like to add my voice to that of Mr. Sahana and ask how far the recommendations made have been accepted. The reason for our anxiety is that we find that the High Court expenditure has been going up very much and I would just give certain figures in this connection:

The actuals for the High Court's expenditure for 1931-32 were Rs. 15,74,000; the actuals for 1932-33 were Rs. 14,79,000 and for 1933-34 Rs. 16,47,000. The total budget estimate for 1934-35 was Rs. 15,14,000 and the revised estimate Rs. 15,63,000. Estimates for 1935-36 are Rs. 17,84,000. Thus there is an increase of Rs. 2,60,000 over the actuals of 1931-32, an increase of Rs. 3,50,000 over the actuals of 1932-33, an increase of Rs. 1,37,000 over the actuals of 1933-34, and an increase of Rs. 2,21,000 over the revised estimate for 1934-35.

The High Court Committee recommended *inter alia* that there should be Saturday sittings in the Original Side for *ex parte* cases and matters, and that the number of holidays should be reduced; but I am afraid these very sound suggestions to wipe off the arrears have not been observed and the doubtful expedient of having additional Judges for several years past has been resorted to. I submit that our experience in the way of appointing additional Judges for several years past has shown that it has not succeeded, and there is still heavy congestion of work. As my friend Mr. Sahana has pointed out, one of the recommendations of the High Court Retrenchment Committee was that certain posts of Assistant Referee should be retrenched. In this connection may I make a suggestion as regards the Registrar on the Appellate Side. I suggest that the Registrar on the Appellate Side should be a permanent officer just as on the Original Side. The post of Registrar is a difficult technical post and a good Registrar who knows the details of his work is often useful in saving the Hon'ble Judges from making mistakes. This system that now prevails of having a Registrar for two or three years and then taking him away and putting in another I. C. S. officer, is, I think, undesirable. As regards the congestion of work, I submit that the only effective and economical remedy would be to add to the working hours of the Hon'ble Judges. Sir, I have actually counted the number of holidays in the year 1935 and I find, as Mr. Sahana has said, that there are 180 days' holidays in the year, that is, for 50 per cent. of the year there is no work. So I suggest that the example of the High Court of England may be followed here. They, as we know, some years ago reduced the length of their holidays. I know that the Long Vacation here is sacred to the English Judges as during this period they want to go Home, but with aeroplanes and quick steamer services, I submit that the English Judges of the High Court can spend just as much time as they formerly used to spend in England and yet the Long Vacation may be curtailed. It is only in

this way, by adding to the number of working days, that they can rope with the work at the High Court. Further, I ask what about honorary Sheriffs for Calcutta as my friend Mr. Sahana too has done. Has this proposal been accepted or refused or what? Then I suggest that for quicker despatch of work and also for the sake of efficiency, the Judges should be recruited from the practising members of the Bar here; men with a good junior practice should be made members of the Bench, not men who have had no brief to hold and who have no knowledge of law practice. Sir, it often happens that judgeships are offered too late in life. We have heard that the late Lord Sinha, the late Sir B. C. Mitter and the late Mr. S. R. Das were offered judgeships when it was too late to be possible for them to accept it and when they had already acquired a very large practice at the Bar. If they had been offered the judgeships 5 or 10 years before, I have no doubt that these eminent members of the Bar would have adorned the Benches as they adorned the Bar. But, Sir, "Too Late" are the words written on the portals of the High Court. We must get hold of juniors, before they acquire a large practice at the Bar, for these posts, and I am sure they will do well; the junior members of the Bar should be caught young and elevated to the Bench, and that will be the right policy. With these words, I support the motions of Mr. Sahana.

Dr. NARESH CHANDRA SEN GUPTA: We are used to making speeches in this House which are a cry in the wilderness but these motions seem to be more of a cry in the wilderness than any other, because, unfortunately, the position is this: that the Government of Bengal have no hand in the administration of the High Court; they simply pay for it. Nevertheless, if they take note of these opinions expressed from our side of the House, and make proper representations to the Government of India, I do not think that these reasonable proposals can be altogether disregarded. The proposals made in the course of the speeches of Mr. Sahana and Mr. S. M. Bose are on the face of them obviously fair and reasonable. It is a fact that the expenditure is going up by leaps and bound, but nevertheless expedition of the work shows no sign of improvement. Perhaps the real mischief lies elsewhere and not wholly at the spot upon which the finger has been laid by my friends. Perhaps expedition is not to be expected so long as we stick to the present method of recruitment of the Judges. The Judges are retired before they have learnt the work fully. So long as the present system continues there seems to be little hope, but nevertheless some effort should be made to set the offices of the High Court in order so that there may not be any accumulation of arrears due to offices and also to reduce the expenditure. Although the Government of Bengal have not a definite hand in the ordering of things in the High Court, it is up to them to see that it is set right as they have to bear the cost.

There is a general feeling that there is a great expenditure of public money which can be reduced. There has been a multiplication of offices so far as the Appellate Side is concerned. In the days when we joined the High Court the Deputy Registrar did the bulk of the work which is now distributed to several Assistant Registrars. I say from my own experience that there has been a multiplication of officers which was not necessary. I should think that an enquiry into the matter is required.

Mr. NARENDRA KUMAR BASU: Sir, I did not originally think of intervening in the debate, but I find I must rise to correct some of the impressions given to the House by some of the previous speakers. I must say definitely and at once that I do not think that it would conduce to better work or quicker disposal of cases if, as was suggested by one of the previous speakers, Saturday sittings were introduced. Speaking with several years' experience of the working of the High Court, I must say that so far as the practising lawyers are concerned, the Saturdays and Sundays are absolutely necessary for seniors to take their instructions from the juniors to prepare their cases and all that. If there were Saturday sittings, I am afraid, the quality of the work both of the Bar and, theoretically, of the Bench will suffer.

Then, Sir, it has been said that it is according to the highest and best democratic principles that men who are ignorant of law and of procedure should be made Judges. That has been in England. Well, speaking of my own province, I must say that that principle lowers the standard, I must say that the story one hears—I am now talking of England—not of the High Court here of a new recruit to the Bench who when he was being congratulated by his friends at a dinner, got up and in reply said: "Well, you will find, gentlemen, that in my conduct on the Bench I shall always tamper with justice and mercy." Well, that might be the case in England, but certainly you cannot, possibly say of such things happening in the Calcutta High Court. You cannot, possibly, hear of Judges here when presiding over, say, a Criminal Bench of the High Court, and when a man comes up with an application for revision or appeal, start saying before he has opened the brief—"has your man got the maximum sentence, if not beware." You cannot, possibly think of things like that here. But unfortunately if you were to ask practitioners and people who frequent the High Court you will find to your dismay that that was being done almost every day. I do not say that it is the quality of the work done by the Judges that leads to the congestion of work or to the excessive expenditure in the High Court. But I do say, Sir, that there ought to be more supervision of the work in the High Court itself. To the misfortune of the High Court be it said that for the whole of the last judicial session of the High Court, I mean from November, 1933, to August, 1934, the High Court suffered very much from the illness of

Sir George Rankin and his consequent inability to attend the Court. The absence of the permanent Chief Justice, as we all well expected, was a source, I shall not say an illustration of the mice playing when the cat was away, but of great confusion in the disposal of the work of the High Court. When we got a new permanent Chief Justice, one thought that things would very rapidly improve. But, Sir, the difficulty is that, instead of having a real permanent Chief Justice, we have got not exactly a prancing pro-Consul but a peregrinating praetor who is blown away wither the wind listeth, and who at the first breath of summer goes to inspect the courts of Kalimpong and Darjeeling which is an excluded and exclusive district. Sir, it is our misfortune and the misfortune of the High Court of Calcutta that it is being served in this fashion by God and man: God strikes down the permanent Chief Justice with illness and then, as I have said, the man who is appointed in his place deserts it. That, I submit, is a cogent reason why the High Court is not winning back its place in public estimation in Bengal. We, Sir, are all proud of the High Court and as a man who for the best part of his life has lived and moved and had his being in and around the corridors of the High Court, and the love that I bear for the High Court passes all comprehension, I find to my extreme sorrow, at the fag end of my career, that it has been given to me to see the plight to which the Calcutta High Court has been reduced. I submit, Sir, that no amount of retrenchment, no amount of curtailment of the holidays and no amount of making the Judges work for longer hours will be of any avail till you have improved the quality of your Judges. Sir, I am perfectly aware that it is not within the province of this Council to lay down even the principles by which the Judges should be appointed in the High Court. But I submit, Sir, that it is certainly within our competence to lay down and record our sentiments as to how the High Court is functioning.

It is no use saying that all the blame is in the system which gives us one-third of the Judges from the Indian Civil Service, it is no use saying that in recruiting from the Bar we bring out men who have not been caught young, according to Mr. Bose. Sir, the defect lies deeper. The fault, if I may say so, lies in the neglect of the men, who are the appointing authorities, to choose their men whom they appoint to the High Court. It may be that a Barrister in England, who makes himself a nuisance, by too frequently attending in the office of the Lord Chancellor, or in the office of the Secretary of State, is sent out to India as a Judge of the Calcutta High Court. It may be that a man who has made himself a nuisance in another court and turned out of that court is sent to Calcutta to adorn the Bench. It may be that when the appointment is to be made from India a man who has made himself a *persona grata* to the executive is appointed to the Bench. It may be that it is by gentle pressure upon the appointing authority

that a particular man is appointed. These are the principles, Sir, which, I say, ought to be avoided in the appointment of Judges. Sir, time was when the Calcutta High Court was looked upon by all sections of the public of Bengal with great esteem. It was the only shield between man and man, and between the State and man. Why has that state of things vanished? In my submission there are two principal reasons for this. Sir, the reasons which I assign for this deterioration in public esteem of the Calcutta High Court are mainly two. In olden days it was well known that the Judges of the Calcutta High Court were not hand in glove with the executive authorities of the province. Those days have passed by. It seems, Sir, nowadays that the Judges of the High Court take delight in hobnobbing with the higher members of the Provincial Executive. As you all know, Sir, before the transference of the capital to Delhi, the highest executive officer in the country, in the person of the Viceroy, used to reside in Calcutta, and it is well known that the Chief Justice and the Judges of those days fought shy of the Government House. There is, also, the story, a well-authenticated story, that one Chief Justice of the Calcutta High Court threatened to close his court if there were any executive interference with the Judiciary. Those days are now gone,—vanished for ever. As I have said, the Judges now seem to be in constant dread of the Provincial Executive, and I doubt not that if my friend the Hon'ble Mr. Reid were to pass a verbal order to-day, that would be translated into a judicial circular by the High Court to-morrow. That is the principal reason for the deterioration of the High Court; and the second reason is the recruitment of Judges, who are fitted, neither by education nor by training, nor by temperament to be the occupants of the Bench. That is why there is congestion of work in the High Court, and that is, also, why the permanent and semi-permanent officers make departments permanent which ought not to exist even for half a day. That is why the just requests of the Bar and the just complaints of the poor litigants are not listened to, and that is why I commend this motion to the acceptance of the House.

Adjournment.

The Council was adjourned till 3 p.m. on Friday, the 22nd March, 1935, at the Council Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 22nd March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 95 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Public Health Publicity Department.

***78. Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department be pleased to state when was the Public Health Publicity Department established in Bengal and with what object?

(*b*) Is it a fact that the post of the Publicity Superintendent under this Department has fallen vacant about a year ago but the post has not been filled up as yet?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for the delay?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the total number of applicants for the post of the Superintendent; and

(*ii*) how many of them are medical graduates?

(*e*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of giving preference to a medical man for the post?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The post of Publicity Officer under the Public Health Department was created with effect from 1st October, 1923, with the object of educating the rural

population particularly in the elementary principles of hygiene and thus improving the conditions of public health generally.

(*b*) The post fell vacant last April; a permanent appointment to it has been made recently.

(*c*) Does not arise.

(*d*)(*i*) 362.

(*ii*) 64.

(*e*) Does not arise.

Judicial enquiry against Mr. S. C. Bagchi, late Munsif of Tangail.

***79. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that Mr S. C. Bagchi, Bar.-at-Law, formerly a Munsif of Tangail, and now at Chandpur, was subjected to a judicial enquiry on account of a series of charges brought against him by Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what has been the result of the aforesaid enquiry;

(*ii*) whether there was any appeal to the Hon'ble High Court against the findings of the learned Judge who held the enquiry?

(*c*) If there was an appeal to the High Court will the Hon'ble Member be pleased to state what has been the final decision of the Hon'ble Court in the matter?

(*d*) Will the Hon'ble Member be pleased to state whether it is a fact that the Hon'ble High Court has found in favour of Mr. Bagchi?

(*e*) What is the total expenditure incurred by Government in this connection?

(*f*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state whether any amount has been awarded to Mr. Bagchi as compensation and cost? If not, why not?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes.

(*b*)(*i*) Some of the charges were found to have been substantiated.

(*b*)(*ii*) and (*c*) There was no appeal but the Hon'ble High Court considered the report and demoted the officer below the efficiency bar.

(*d*) The information is incorrect.

(*e*) Rs. 5,698-15.

(*f*) Does not arise.

Maulvi ABDUL HAKIM: Will the Hon'ble Member in charge be pleased to state whether this was a departmental enquiry?

The Hon'ble Sir BROJENDRA LAL MITTER: The enquiry was directed by the High Court, and it was held openly by the District Judge, and when the District Judge made his report to the High Court, the report was treated as a first appeal. Government as well as the officer concerned were represented by lawyers. The whole matter was heard out in open court, and the High Court came to this decision.

Maulvi ABDUL HAKIM: Was it a criminal enquiry?

The Hon'ble Sir BROJENDRA LAL MITTER: That, Sir, is a matter of opinion. An enquiry is an enquiry.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state what kind of charges were brought against the officer?

The Hon'ble Sir BROJENDRA LAL MITTER: I am not in a position to say now what the details of the charges were, and as the whole thing is open to the public, I should be glad to give all information to the hon'ble member if notice is given of it.

Curriculum for girls and boys in Secondary Schools in Bengal.

*80. **Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the curriculum for the girls and boys in Secondary Schools in Bengal are practically the same?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of revising the curriculum in such a way as to suit the special requirements of the boys and girls?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact that the number of subjects and books recommended are very numerous in the schools in Bengal?

(*d*) Is the Hon'ble Minister aware of a feeling amongst the public that too many books and subjects are unmanageable by the boys and girls of tender ages and that they are telling upon the health and intellect of students?

(*e*) Is the Hon'ble Minister considering the desirability of revising the curriculum at an early date?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) Yes, but there are special optional subjects for girls.

(*b*) The new Matriculation Regulations which have been passed by the Senate of the Calcutta University provide for special subjects for girls taking the examination. The revision of the curriculum for the other classes is being considered separately.

(*c*) and (*d*) No.

(*e*) The member is referred to the answer to (*b*).

Construction of a culvert at Banamalipur on Kalukhali-Bhatiapara Railway line.

***81. Rai Sahib AKSHOY KUMAR SEN:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state—

(*i*) whether it is a fact that the inhabitants of Banamalipur (a village at the 173rd mile from Calcutta on the Kalukhali-Bhatiapara Railway) submitted a memorial dated the 6th April, 1932, for the construction of a culvert and a bridge at the 173rd mile of the said railway;

(*ii*) whether it is a fact that the then Hon'ble Member in charge was pleased to order an enquiry to be made by the Sadar Subdivisional Officer, Faridpur; and

(*iii*) whether it is a fact that the said Subdivisional Officer recommended such construction?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, are proposed to be taken in the matter by the railway authorities concerned?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) Yes.

(*ii*) Government referred the question to the Commissioner, who forwarded a record from the Sadar Subdivisional Officer, Faridpur.

(*iii*) Yes.

(*b*) After technical examination of the situation Government came to the conclusion that the provision of a bridge of the dimensions suggested was not necessary. The petitioners were informed accordingly. The question was, however, reopened later, and the Railway Administration has proposed certain increases in the waterways under that stretch of the line which lies between mile 149 and mile 175. The general question of the waterways required under this stretch of the line is still under examination.

Hunger strike in Dacca Central Jail.

*82. **Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Jails Department be pleased to state—

(1) If there is a hunger strike in the Dacca Central Jail?

(2) If so, how many are on strike?

(3) Since when?

(4) What are the grievances for which the strike has been resorted to?

(5) What steps are being taken by the Government to end the strike?

(6) Have there been similar hunger strikes in the Dacca Central Jail in the past 5 years?

(7) If so, when?

MEMBER in charge of JAILS DEPARTMENT (the Hon'ble Mr. R. N. Reid): (1) Yes.

(2) Eighteen prisoners were on hunger strike on 15th March, 1935.

(3) Six prisoners from 28th January 1935; one prisoner from 31st January 1935; one prisoner from 2nd February 1935; three prisoners from 18th February 1935; two prisoners from 25th February 1935; two prisoners from 26th February 1935; and three prisoners from 28th February 1935.

(4) The first batch of hunger strikers put forward a long list of grievances covering diet, dress, toilet requisites, work, study and other matters of a miscellaneous nature most of which had been carefully considered before and rejected in connection with another strike elsewhere. The remaining hunger strikers have gone on hunger strike in sympathy.

(5) The District Magistrate visited them on the 11th and warned them that nothing would be done until they gave up their hunger strike. He has been instructed to hear their grievances and to submit a report when the strike is called off.

(6) Yes.

(7) Once in September, 1934.

Mr. NARENDRA KUMAR BASU: With reference to answer (4), will the Hon'ble Member in charge of the department be pleased to state whether the long list of grievances put forward by the first batch of hunger strikers was done either before or after they went on strike?

The Hon'ble Mr. R. N. REID: I am not quite sure, Sir, but I think, before.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if between the date of their putting forth the list of grievances and the 28th January, when they went on strike, there was any enquiry or any attempt made to redress their grievances?

The Hon'ble Mr. R. N. REID: I am afraid, I must ask for notice, Sir.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the District Magistrate has made any enquiries up till now or has he stayed his hands until the strike is called off?

The Hon'ble Mr. R. N. REID: The District Magistrate will not hear their grievances until the strike is called off.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether since these grievances were formulated some time before the 28th January up till to-day, there has been any enquiry made as to whether any of the grievances were well founded or not?

The Hon'ble Mr. R. N. REID: Sir, the grievances were of such a kind that they could not be accepted, the prisoners being in the class in which they had been placed.

Mr. NARENDRA KUMAR BASU: Sir, my question was, has any enquiry been made from the date the grievances were formulated up till now?

The Hon'ble Mr. R. N. REID: No, Sir.

Mr. NARENDRA KUMAR BASU: Does the Government intend to continue in this attitude of not making enquiries unless and until the hunger strike is called off or one or more of the strikers dies as a result of the strike?

The Hon'ble Mr. R. N. REID: Sir, the answer to that question is contained in the latter part of the answer to question (5).

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if these prisoners include any persons originally detained without trial?

The Hon'ble Mr. R. N. REID: No, Sir.

Mr. NARENDRA KUMAR BASU: With regard to answer (6), will the Hon'ble Member be pleased to state whether the hunger strike of September, 1934, was due to any of the grievances now put forward?

The Hon'ble Mr. R. N. REID: I have not got the details, but obviously must have been in connection with some grievance or other.

Mr. NARENDRA KUMAR BASU: Was any enquiry made by the Government into those grievances either before or after September, 1934?

The Hon'ble Mr. R. N. REID: I must ask for notice.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the grievances now formulated bear any resemblance to the grievances formulated before the strike of September, 1934?

The Hon'ble Mr. R. N. REID: I must ask for notice of that question.

Mr. P. BANERJI: Is it a fact that Barendrakumar Ghosh of the Sankaritola postal robbery case, who has completed his term of 14 years' rigorous imprisonment, has not yet been released?

The Hon'ble Mr. R. N. REID: Is the hon'ble member referring to one of the hunger strikers, Sir? I do not find his name in the list of 18 hunger strikers.

Mr. P. BANERJI: Has the Government issued any orders for forcible feeding?

The Hon'ble Mr. R. N. REID: Forcible feeding is going on in certain cases.

Mr. P. BANERJI: Is it a fact that the condition of Sukumar Sen of the Burge murder case is very precarious, and that rectal feeding is going on?

The Hon'ble Mr. R. N. REID: The condition of none of the prisoners is precarious.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Sub-Registrar at Baduria.

43. Khan Bahadur A. F. M. ABDUR-RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware—

(*i*) that the housing problem of the Sub-Registrar at Baduria in the district of the 24-Parganas has become very acute; and

(*ii*) that the Sub-Registrar there has been put to much inconvenience?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of constructing a departmental building at Baduria?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) Yes, the Sub-Registrar is put to great inconvenience by the inadequacy of his accommodation.

(*b*) No, as funds are not available; but the District Registrar is trying to secure better accommodation for him.

Taki Government High English School.

44. Khan Bahadur A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any Muhammadan was ever posted as head master of the Taki Government High English School within the Basirhat subdivision of the district of the 24-Parganas?

(*b*) If the answer to (*a*) is in the affirmative, when was the posting made and what is the name of the head master?

(*c*) If no Muslim was ever posted as head master of the said institution, will the Hon'ble Minister be pleased to state the reasons for the same?

(*d*) Are the Government considering the desirability of posting a Muhammadan head master to that institution when the next opportunity arises?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE:

(*b*) The question does not arise.

(c) and (d) Government are not aware of any special reasons for posting a Moslem head master at Taki in preference to a Hindu, but if they are satisfied that such reasons do exist, they will certainly make an effort to send a Moslem there, when a vacancy occurs.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMANDS FOR GRANTS.

24—Administration of justice.

(The Council then resumed discussion on amendments Nos. 299 and 302 concerning the Calcutta High Court.)

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I welcome this debate as it affords an opportunity for discussion of the affairs of the High Court, an institution with which I was identified for a quarter of a century. Sir, the High Court deservedly enjoys a high reputation. Under our constitution, a stable and permanent tenure of Judges secures that independence, both of popular and governmental power, which is essential to a good judicial system and to the fearless administration of justice. It is not too much to say that a stable and independent judiciary is the strongest hope of our country. Sir, whenever we weaken the independence or degrade the dignity of the judicial office, either by the mode of selection or in any other way, we make a most serious mistake. Sir, a great jurist, Monsieur Glasson, said:—

"Everything which compromises or lessens the independence of the judicial power, compromises the good administration of justice. The judiciary should be the organ of the law, and not an instrument of Government. It renders judgments, not services."

Sir, that is the fundamental basis on which our Government take their stand. That is our relation with the judiciary. Having said as much, I shall turn immediately to the criticisms of the High Court which were made yesterday. These criticisms can be classified in three categories—firstly constitutional criticism, secondly administrative, and thirdly, judicial. So far as the criticisms on constitutional basis are concerned, I wish hon'ble members to realise the constitutional relation between the Government of Bengal and the High Court of Calcutta. In the matter of recruitment, Mr. S. M. Bose suggested that the Bar should be the real constituency of the Bench. That is to say, all the Judges should be recruited from the Bar. As hon'ble members are aware, Judges of the Calcutta High Court are appointed by the Crown, and recruitment is made on certain principles from certain fields laid down in the Government of India Act. All the Judges are not recruited from the Bar. Hon'ble members know the proportion: not less than one-third must be barristers, not less than one-third must

be members of the Indian Civil Service, and the other one-third must be recruited from the Judicial Service or from the Bar or from the Civil Service. So far as recruitment, therefore, is concerned, the Government of Bengal have no power nor indeed the Government of India, because the statutory provision is that recruitment is made by the Crown. That is with regard to the permanent Judges.

With regard to temporary Judges, either Acting Judges or Additional Judges, so far as our High Court is concerned, appointment is made by the Governor General in Council, not by the Local Government. Therefore, in so far as recruitment, either of permanent or temporary Judges, is concerned, the Government of Bengal have no hand. Nevertheless, when a suggestion has been made in this House, we propose to send a copy of the debate to the proper quarters so that they may consider it. But as regards this particular suggestion of Mr. S. M. Bose, I must point out that it is rather too late. This very question of recruitment of Judges has been under consideration for several years past, ever since constitutional discussions began with the Simon Commission. Various suggestions were made by various public bodies and authoritative individuals. The net result of all this has been that the existing provisions of the Government of India Act have been substantially retained in the White Paper, in the Report of the Joint Parliamentary Committee, as well as in the new Government of India Bill, which is before Parliament. Therefore, I do not expect that much good will result from forwarding this particular suggestion to the authorities concerned. Nevertheless, we are prepared to forward it to the proper authorities.

Sir, that is so far as recruitment is concerned. Our administrative relation with the High Court is this. The Calcutta High Court is under the administrative control, not of the Government of Bengal, but of the Government of India, so that if any improvements are to be made in the machinery of the administration, the proper authority is the Government of India. When I say that, I do not suggest that we are not competent to discuss the administrative machinery of the High Court. It is our High Court. They administer justice in our province, and we are the people affected by any administrative deficiency; and it is up to us to ventilate our grievances, although we may not have power. The Local Government may not have power to effect any improvement, but this Council at any rate has the undoubted right to ventilate the grievances connected with the administrative machinery of the High Court.

Sir, that is the constitutional position, and having dealt with that, I go straightaway to the administrative criticisms which have been made. The first criticism was that the working hours of the Judges were too few. They ought to be increased, and it was suggested that the High Court ought to have Saturday sittings, and they ought

to have lesser number of holidays. With regard to Saturday sittings, Mr. Narendra Kumar Basu gave the reply. Sir, Saturdays are necessary not merely for Judges, but for the Advocates and the Solicitors, to be devoted in the case of the Judges to considering their judgments, and in the case of professional men, to holding consultations, conferences, and to various other things. It is impossible for them to find time for these on week days. Sir, the High Court deals with the majority of cases in their final stage. The High Court lays down the law for the whole province, and, therefore, the work of the High Court is not comparable to the work of subordinate courts. Cases have to be got up with a great deal more care, because that is the final stage, and the Judges have to take a great deal more time in considering and delivering their judgments and pronouncing upon the interpretations of law than is necessary in subordinate courts. And that is why an extra free day is necessary. Sir, everyone familiar with the working of the High Court knows that Saturdays and Sundays are probably the two busiest days for a busy lawyer in Calcutta. With regard to the Judges, I say from by own personal knowledge that on Saturdays and Sundays many of them bury themselves in reports, statutes and so on, and devote the whole time to considering their judgements, judgements which were going to lay down the law for the whole province. Therefore, to add Saturday to the other working days is a proposition which I cannot accede to. This question, Sir, is not a new question. It has been considered from time to time in the High Court. When I joined the High Court more than 30 years ago as a junior, it was then a live question; when I left the High Court about seven years back, it was still a live question; there was this demand from the lay public and from other non-legal bodies—"Oh, the High Court does no work on Saturday; add one day more, and there will be disposal of more work." There has been always this cry, but it has been found impracticable. I fully sympathise with the Judges and the practitioners in the attitude they have taken up in this matter. It is not for the purpose of going to cinemas and dances, races and golf courses that they want to have Saturdays and Sundays free, but for purposes of work.

As regards the long vacation, this question also has been under consideration for a long time. I understand that the Chief Justice has again been considering this question. If it be the desire of the House that on this matter we should address the Chief Justice, I shall be prepared to do so.

Then, Sir, criticism was made on the appointment of two Additional Judges. Now, the two Additional Judges have been appointed, as hon'ble members are aware, for the purpose of clearing heavy arrears which had accumulated. As a matter of fact, Additional Judges have come to be a regular feature not merely in the Calcutta High Court, but, I think, in most other High Courts. The most expeditious High

Court that I am aware of is the Allahabad High Court. Even the Allahabad High Court has been clamouring for Additional Judges, and I think they have got an Additional Judge. The fact is that work is increasing in all the High Courts. Sir, whatever the reasons may be, it is certainly a fact that work has been increasing rapidly in all the courts, and an increase of work requires more Judges, more staff and more expenses. That is inevitable, and that is the only and conclusive reason for the appointment of Additional Judges.

With regard to Additional Judges, the High Court wanted two. The Government of Bengal had nothing to do with that. The High Court produced figures which were convincing, and what the Government of Bengal did was to forward the High Court's request with their reasons and with the figures to the Government of India. The Government of India appointed the two Additional Judges. Although we have to pay for these Additional Judges, still the appointment does not rest with us.

Then, Sir, another criticism was made that within recent years, there has been an increase in the number of various ministerial officers in the High Court. With regard to this criticism, I desire to inform the House that during recent years, several special duties have been undertaken by the High Court, and I shall indicate the nature of these. First of all, there is the supervision of the subordinate courts. For very many years the subordinate courts have not been inspected by the High Court. Formerly, when the work of the High Court was not so heavy as it now is, the practice was for a Judge of the High Court to go round periodically and inspect the subordinate courts. For many years it became impossible for the High Court to spare a Judge for the purpose. The result was that owing to want of supervision a number of irregular practices had grown up and there was general slackness. When these things were brought to the notice of the High Court, they decided that it was desirable that a Judge of the High Court—and if a Judge could not be spared—at any rate a senior District Judge should be deputed to go round the courts. In connection with this work, a vast mass of reports, returns, and other things began to pour into the High Court; and without additional staff it was impossible to cope with that additional work. That accounts for some addition to the staff.

Then, Sir, the General Rules and Circular Orders of the High Court had not been revised for very many years. It was discovered that, as occasion arose, rules were framed or circulars issued. Well, this was done, more or less, in a haphazard fashion in order to meet the exigencies of particular cases or particular occasions. These Rules and Circular Orders were thus in need of revision and co-ordination. For that purpose a competent officer was necessary to go into the whole matter. It was heavy work for which a whole-time man was necessary for a couple of years. Again, the Council is probably aware that not

long ago some Stamp Inspectors were appointed by the High Court at the instance of the Local Government in order to discover the extent of the evasion of the stamp duty in the subordinate courts. That was for the purpose of protecting provincial revenues. These Stamp Inspectors went round the courts, made enquiries, and sent in their report. That again involved additional work in the offices of the High Court; and this additional work had to be done by additional men.

Then, Sir, the next thing which required the appointment of a Special Officer was the revision of the Insolvency Code. Hon'ble members are aware that we have got two different systems of Insolvency Law in this province—one is for Calcutta, and the other is for the districts. Now a man, who is adjudicated an insolvent, may have property both in Calcutta and in the districts. Sometimes it creates great confusion when the systems are different. Sir, it has been long under the contemplation of Government—not merely of our Government, but also of the Government of India—that the two systems should be amalgamated and one uniform system should be evolved for application throughout the whole of India. A Special Officer was appointed to take up this particular work of the revision of the Insolvency Law. Many members of this House are lawyers, and they know what an intricate and technical subject Insolvency Law is; and this work cannot be done by an ordinary clerk or an untrained man.

Then, Sir, we have undertaken the reorganization of the Small Cause Courts, the reorganization of the process-serving establishment and various other administrative work, which had not been attended to for very many years. That is the reason, Sir, why a number of additional men had to be appointed to the High Court. It is not for coping with the work which used previously to be done by the then existing staff, but it was new work which necessitated the appointment of extra men.

Sir, the next criticism—or rather the suggestion—which was made was that the Sheriff's office should be an honorary one. This suggestion was made by my friend, Mr. S. M. Bose. Sir, I do not know what the suggestion means, because the office is already an honorary office. The Sheriff does not get any pay. The Sheriff, as hon'ble members are aware, is appointed by the Governor General in Council on the nomination of the High Court. He gets no pay, but the High Court has laid down a scale of fees in connection with the duties which he has to discharge. The Sheriff's duties are generally to serve processes of the High Court, conduct sales, execute decrees of the High Court, and so on. With regard to this work, a scale of fees, as I have just said, has been laid down by the High Court. The office is already an

honorary one, and I do not, therefore, understand what is behind this suggestion. I may, however, inform the House that the question of the appointment of the Sheriff under the new constitution—it is suggested in the Government of India Bill that the High Court will come in direct relation with the Local Government and not with the Government of India—has been under the consideration of not only the Government of Bengal but also of the High Court. Last year, the High Court appointed a committee to consider this question. Meanwhile, we got into touch with the Government of India and we are, at the present moment, in correspondence with the Government of India and the High Court on the question of the appointment of Sheriff under the new constitution. The matter is thus under consideration. The suggestion of Mr. S. M. Bose that the Sheriff's office should be an honorary one may bear the meaning that, instead of the Sheriff getting the fees prescribed by the High Court, the Government should have the ministerial staff, now under the Sheriff, under their own control. That, Sir, is one of the questions which are, under consideration. In this connection, I might also inform the House that the question of the offices of the Official Assignee and of the Official Receiver of the Calcutta High Court has also been taken up in recent months and this, too, is under consideration.

Then, Sir, another suggestion was made by Mr. S. M. Bose; and that is that the Registrar of the High Court on the Appellate Side should be a permanent official like the Registrar on the Original Side. Sir, this question has recently been raised and I have unofficially discussed this matter with different authorities. Sir, there are various difficulties in the way. Although, on the face of it, it is an attractive proposition that the Registrar of the High Court ought to be a sort of custodian of the traditions and practices of the High Court, and, accordingly, he should be a permanent official and not a temporary one for, say, three or five years, there are difficulties in the way. One of the difficulties which I might mention is that the Secretary of State for India has assigned that office to the Indian Civil Service, and it is not possible to get a member of the Indian Civil Service to hold the office as a permanent job. That is one of the difficulties. I do not suggest that it is an insurmountable difficulty, and if the advantages in favour of the proposition be preponderating, it is possible to approach the Secretary of State to modify the rule.

Now, the last criticism that was made was on the Indianization of the High Court. I do not know what the hon'ble mover meant by his proposal. This morning when I was going through the list of Judges I found that more than half number of the Judges were already Indians. Sir, when I joined the High Court I do not think that even a quarter of the total number of the Judges of the High Court were Indians; but to-day, more than half are already Indians. So, in regard to the

question of Indianization, one cannot but be surprised at the rapid progress that has been made in this direction.

These, Sir, deal with the administrative questions. I shall now come to the judicial questions, and here I feel myself to be on very delicate ground, because the criticism is based on the capacity of the Judges. Sir, I am not competent to express any opinion on this point, and it would be foolish on my part were I to attempt it. But, what is the criticism? Mr. Narendra Kumar Basu said that the accumulation of work in the High Court which had necessitated the employment of extra hands had been due to two factors: First of all he said that the Judges of the High Court, I regret his language, took delight in hobnobbing with the higher members of the Provincial Executive. They now seemed to be in constant dread of the Provincial Executive. That was one criticism. The second criticism was that many of the Judges were not fit either by temperament, education or training to be the occupants of the Bench; that was why there was congestion of work in the High Court. It is unfortunate that Mr. Basu should have chosen this forum to make a scandalous charge against the Judges of the High Court where Their Lordships have no audience. The charges are of a character which it is easy to make but difficult to repel. The only effect of such charges is to degrade the dignity of the high office. Judges hobnobbing with higher members of the Provincial Executive —does this refer to social relations of the Judges or to their judicial duties? If the latter, it is certainly reprehensible that the Judges should "hobnob" with the Executive with the effect that their judgement is influenced in favour of the Executive. That must be the implication. If that be so, it is certainly reprehensible, because that undermines the fundamental position upon which we stand, namely, the independence of the judiciary. But beyond Mr. Basu's allegation what evidence have we here, what evidence has he produced in support of it? Have we got any proof to form our own judgement? If it refers to social relations, what is wrong about it? When I was a member of the Bar, I used to know every Judge of the High Court. Since I ceased to practise in the High Court and since I have become a member of the Executive, I still know a good many Judges of the High Court. I am in social relation with them, but I do not know that my association with them at all influences their judgement in favour of the Executive. We never discuss cases when we meet. We never go out of our way to criticise the actions of the Executive or the Judiciary. It is ordinary social relation of private friendship. It is only when such relations lend to one party exercising undue influence over the other that such practice becomes objectionable. Beyond the vague and general charge we have no evidence of any such result before us. In support of his sweeping statement that Judges now seem to be in constant dread of the Provincial Executive, Mr. Basu mentioned one fact. He said that the Judges were now prone to inflict severe

sentences. Why should the infliction of severe sentences be attributed to their being under the influence of the Executive and why not attributed to ends of justice in the particular cases concerned? In a pontifical manner Mr. Basu has said that the Judges are in constant dread of the Executive. As I have said, the charge is so vague, so general and so devoid of evidence that it is impossible to deal with it.

Mr. SHANTI SHEKHARESWAR RAY: Why don't you deny?

The Hon'ble Sir BROJENDRA LAL MITTER: It is for the Judges to deny and the Judges are not here to deny.

Mr. SHANTI SHEKHARESWAR RAY: Why don't you deny on their behalf?

The Hon'ble Sir BROJENDRA LAL MITTER: I am not briefed by them. Sir, this is a serious matter. If the Judges are guilty of that sort of conduct, is there no remedy? If that question is pertinently asked, I say there is a remedy. The fact that the obvious remedy is not resorted to tends to negative the charge. Before I proceed further, I shall quote one sentence from the writings of a very distinguished jurist. He said: "The opinions of every Judge are written under the eye of a scrutinising and intelligent profession." If that be so, it is for the profession to come out with their criticism. Sir, in Calcutta there are two legal professional journals. If a Judge gives a tainted decision or if he inflicts an unmeritedly severe sentence, it is for these professional journals to take up the matter and ventilate the grievances of the public. I am a fairly frequent reader of these law journals and the impression I have got from their notes and comments does not in the least tally with the picture which Mr. Basu painted yesterday in such glowing colours. The fact that the professional journals do not criticise the judgements of the High Court of Calcutta in the manner in which Mr. Basu did yesterday shows that the grievance is more individual than general. Legal public opinion is the best corrective of judicial lapses. Mr. Basu also used an unfortunate phrase—probably he was attracted more by the phrase than by any facts. He said that the Judges were hand and glove with the Executive. I do not understand what he really meant. Certainly he does not object to cordial relations subsisting between the Executive and the Judiciary. They are limbs of the same constitution and it is desirable in the interest of the people as well as in the interest of justice that cordial relations should subsist between the Executive and the Judiciary, each being independent of the other. I am glad to say that such relations do exist now. It is not desirable that the Judiciary and the Executive should always be at daggers drawn.

Mr. NARENDRA KUMAR BASU: They are at arm's length.

The Hon'ble Sir BROJENDRA LAL MITTER: Well, Sir, he has stronger lungs than myself.

Mr. NARENDRA KUMAR BASU: I voice the lungs of the public outside.

The Hon'ble Sir BROJENDRA LAL MITTER: If he suggests that the Judiciary should not be under the domination of the Executive, I am at one with him. I should despair of the progress of the country if the High Court fell from its high estate. If the High Court allowed itself to be commanded or controlled by the Executive, it would be a disaster. But the existence of cordial relations between the Executive and the Judiciary does not connote that.

These are the major criticisms which have been made, and I hope that after the explanations that I have given, the mover will withdraw his motions. But if we are to vote upon the two motions, I hope we shall not do anything here which will reduce the prestige of the court which we all of us hold in the highest esteem and effection.

Rai Bahadur Satya Kinkar Sahana's motions were then, by leave of the Council, withdrawn.

Rai Sahib AKSHOY KUMAR SEN: I beg to move that the demand of Rs. 74,000 under the head "24A—High Court—Appellate Side—Registrar" be reduced by Rs. 100 (recent circulars and orders for inspecting court records by pleaders and the admission of the pleaders' clerks in offices).

Sir, recently several circulars have been issued by the Registrar of the Calcutta High Court by which the mufassal pleaders and their clerks have been practically banned from doing certain legitimate things which privilege they used to enjoy before these circulars were issued. These pleaders' clerks are given cards authorising them to enter the offices of courts, but the circular says that the pleaders' clerks and other outsiders would be debarred from entering the court office rooms. The pleaders' clerks have often to roam about these office rooms in order to meet the ministerial officers for the purpose of gathering information regarding notices and other things in connection with their cases. They have been prohibited from entering the offices although their cards authorise them to do so. Moreover, no distinction is made between the pleaders' clerks who have the cards with them and the outsiders. They have been placed under the same category in regard to admission to the offices and the courts.

Then, as regards the inspection of records, the pleaders have now to ask the permission of the courts, and in my district, that is the district of Faridpur, we have to submit a written requisition to the

court concerned for the purpose of inspecting the court records, and even the records of pending cases. In appeal cases when a pleader is on his legs to argue, if he has to inspect the records of that case, he has to submit a written requisition on a slip to the court for the purpose of inspecting the record. This was not the practice before the issue of the circulars. Moreover, in my district the pleaders are not even granted the privilege of inspecting the entire record. When asked for, the court only allows the pleaders to see other files excepting the file containing the recorded deposition of witnesses in the case; that portion is detached from the file. Sir, that is the way in which the circular has been interpreted by our District Judge. The reason given is that because there may be surreptitious copies issued or because the pleaders may take elaborate notes of the depositions thereby reducing the revenue of Government in regard to certified copies that this practice has been brought into force. In reply to this, Sir, my submission is that no such case has ever been detected that a pleader or a pleader's clerk took elaborate or full notes of any recorded depositions. If any pleader does it or if there be any individual case in which these rules are violated, then the person can be taken to task, but a general order cannot be passed that the whole record cannot be inspected by pleaders. These circulars, as I have already submitted before the House, regarding the inspection of records have caused great inconvenience to the pleaders and the general public. Moreover, a pleader cannot go from room to room or from office to office for the purpose of gathering information regarding documents and other important things which will be necessary for his case. They generally send clerks to gather such information from the ministerial officers, and it is for this purpose that pleaders' clerks are employed. These clerks now have their cards which they get from the District Judge under the circular of the Hon'ble High Court, but they get their cards without the privilege which they are supposed to enjoy under the terms of those cards. With these words, Sir, I beg to move my motion.

Babu KHETTER MOHAN RAY: Sir, I beg to support this motion. Recently certain circulars in regard to the inspection of records and also in regard to the admission of pleaders' clerks into the offices have been issued by the High Court. These circulars are mischievous and interfere with the legitimate duties of the pleaders and the pleaders' clerks. It is very often necessary to inspect the records, especially documents filed in cases, for preparation of the cases before the first hearing. It is absolutely necessary in appeals to go through the records fully. In the District Judge's office there is arrangement for inspection of the records by pleaders in the presence of the *shirastadar* within certain hours of the day. But this arrangement is not sufficient or adequate. Therefore, I think adequate sitting arrangement should be made for the pleaders who want to inspect the records. Besides, pleaders are not allowed to

make short notes or memorandum of inspection. It is said that the income of the Copying Department suffers if they are allowed to take notes of inspection. In appeals copies of deposition of witnesses and copies of important documents are invariably taken by the parties; every lawyer knows that if these copies are not furnished to the pleaders they cannot properly conduct the cases. In spite of having copies in their possession, they have to inspect the documents in original, specially unregistered documents. Unless they are allowed to take a very brief memorandum, it is impossible to recall the results after some weeks, nay some months. In the courts of the Subordinate Judges or Munsifs arrangement for inspection by the pleaders is practically nil. It is due to sufferance of the *shirasthadars* of the courts that the pleaders may inspect the records, but the junior pleaders very often find it difficult to induce the officers to allow them to inspect the records. In truth, there is no sitting arrangement for the pleaders desiring inspection of records in the lower courts. I think in every court more facilities should be afforded for inspection of records by pleaders within fixed hours by making adequate arrangements for seats. I do not see any reason why they should not be allowed to make a short memorandum or take short notes of the inspection; for the intrinsic nature of documents is an important matter which the Court should take into consideration in forming an opinion. This aspect of the evidence cannot be had from copies. It is not my contention that the pleaders should be allowed to take extensive notes which may dispense with the necessity of taking copies. What I insist on is that they should be allowed to take short notes of what they see and find in the records by way of memorandum. In original suits copies of documents filed by parties are not granted before they are admitted in evidence. A pleader must have a thorough examination of the documents before he can proceed with cross-examination with regard to a particular document. Here I must refute certain charges made against the pleaders that some pleaders or their clerks are apt to take copies of the entire evidence. It may be they were guilty, but for one instance of guilt a whole class of people cannot be considered guilty. For the guilt of one or two persons a respectable body of pleaders should not be penalised, and here I refute the charges made against them. I know that they do not as a rule make any elaborate notes of the evidences by the inspection of records. What they do want is to make short notes of the contents of the documents so that they may refresh their memories at the time of appearing in a particular case. Sir, there is another aspect to this motion and that is this: By the recent circular the pleaders' clerks are not allowed to enter the offices of the courts. This has caused inconvenience and hardship to the litigant public. Pleaders' clerks are not allowed to work in courts unless they are granted certificates by the District Judge. Before any certificate is issued to any clerk, he must produce a certificate as to his good character and ability. Sir, pleaders' clerks perform an important function in conducting cases. Both the

functions of an advocate and a solicitor are combined in a pleader practising in the mufassal courts. It is impossible for a pleader to perform both these functions unless assisted by his clerks who generally look to the *tadbir* of the cases and do the ministerial part of the business. Interlocutory orders are sometimes passed in chambers and if passed in courts they are not announced. Clerks must know the gist of the orders passed in a case from time to time before they can make *tadbir* in a case. They must know whether any particular processes are issued and served in time in order to determine what should be the *tadbir* at the next hearing day or rectify any errors or omissions that might have crept in the course of the processes or petitions. If the pleaders' clerks are not allowed to enter the offices and obtain information from the offices, the litigant public suffer in conducting their cases. It is impossible for pleaders to attend to these things without having these informations from the officers who are in charge of those records. If the circulars were meant to prevent corruption in the civil courts, may I ask whether by the promulgation of these circulars corruption has ceased or has decreased in the civil courts by this time? I think not. These circulars have caused endless inconveniences and hardships to the pleaders' clerks who are a respectable body of persons and with cards they are as much a respectable body as any other gentlemen and some of them are well educated also, and are earning a decent income but they are not allowed to enter the offices of any court. For these reasons I support the motion.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

Rai Sahib SARAT CHANDRA BAL: Sir, I stand to support the motion moved by my friend Rai Sahib Akshoy Kumar Sen. I too have got a motion of a similar nature. My motion runs thus——

Mr. PRESIDENT: You need not then move your motion now.

Rai Sahib SARAT CHANDRA BAL: But I was just going to say a few words on that motion.

Mr. PRESIDENT: That is not necessary. You can speak on this motion and that will serve your purpose.

Rai Sahib SARAT CHANDRA BAL: All right, Sir. I wish to criticise that circular as interpreted by the District Judge of Faridpur in the order memorandum No. 274-79, dated the 21st January, 1935. That is a specific case in which the District Judge of Faridpur has taken definite steps to give effect to the circular of the Hon'ble High Court. Now, Sir, what definite steps has this District Judge taken? I will soon submit that before the House. In the first place the District Judge has

encroached upon the long-established privilege of the pleaders to inspect the records of pending cases. The pleaders generally examine the depositions of the pending cases and in order to do so they have to work at the pending cases. Now, according to the circular of the High Court, they cannot do so without the written permission of the District Judge.

In the second place, they were allowed to take notes of the cases which they could very well use at the time of arguments, but they are not allowed to use them for the sake of arguments as the notes are not certified copies. In the mufassal, Sir, we find that there are many petty cases in which the demands do not exceed Rs. 25. In these cases it so happens that after examination of witness the presiding officer asks the pleaders to argue the case and to do so they are to go through the records and if notes (taken by the pleaders) are allowed to be used at the time of argument, it would not only help the poor litigants but it would also save the time of the court. If the poor litigants are asked to pay for certified copies of the deposition it would be a great hardship on them, and in many cases they would find it very difficult to go to court for justice.

The circular letter, Sir, has affected seriously the pleaders and their clerks. The pleaders' clerks on the recommendation of the pleader used to get cards issued by the District Judge entitling them to have access to courts and offices attached thereto. The District Judge of Faridpur has ordered that the pleaders or their clerks will not be allowed to enter the office room. Now, generally in execution cases the clerks have to take the dates from the office records which are not given in open courts, and for this purpose they have to go to office. The present position is that in order to get this simple information the clerks are not allowed to go inside the office. These are the difficulties of the pleaders, the clerks and litigant public of the Faridpur district. I hope, Sir, the Hon'ble Member in charge will make necessary enquiries and ascertain from the District Judge of Faridpur whether he has passed this specific order on all subdivisional civil courts and whether it has caused disadvantages to the pleaders and to the litigant public.

Then, Sir, I am informed that the office room of the Sadar Munsif Court is kept under lock and key and neither the pleaders nor their clerks are allowed to enter the office room. It may be the intention of the High Court to stop corruption, but, I think, it is doubtful whether corruption could be stopped in this way. If the pleaders and their clerks are not allowed to enter this room it will not help stopping corruption. On the other hand, it will create dissatisfaction among the pleaders and the litigant public. With these few words, Sir, I beg to support the motion.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, the impression I got from listening to the speeches was that by reason of the circular

pleaders' clerks were not allowed to enter the office rooms of Judges. Sir, that is not the intention of the circular. This is intended for the prevention of indiscriminate entry into offices: not prevention of entry but prevention of indiscriminate entry. The position will be made clear from the letter of a District Judge from which I shall read a portion in which important information has been given as to the practice prevailing in most districts to carry out the High Court circular. What he says is this:—

"No order appears to have been passed by the District Judge forbidding the pleaders' clerks to enter the offices. Rule 48(*II*), Chapter XI, High Court General Rules and Circular Orders (Civil), prohibits indiscriminate entry into the offices attached to the court by outsiders including the pleaders' clerks. Again, by general letter No. 17, dated the 18th July, 1933, the Hon'ble Court have suggested some remedies against the supply of surreptitious copies and illicit informations to the detriment of the interest of Government revenue. It has been suggested therein, 'the District Judge should take every possible step to see that the rule that no outsider including pleaders' clerks are allowed to enter the office or the record room is very strictly observed... ....'. The suggestion of the Hon'ble Court is only being carried out in the civil courts in this district. Recently there were a few cases of attempts to tamper with the court records. As a safeguard against such contingency it is desirable that outsiders including pleaders' clerks should not be allowed access to the office. The information required by the pleaders' clerks for taking necessary steps in suits are mostly supplied in the court rooms or on the notice boards in pursuance of the Hon'ble Court's general letter No. 4, dated the 24th February, 1934. The complaint regarding inconvenience to the litigant public for not allowing the pleaders' clerks access to the offices is not, therefore, genuine."

What happens is this, that indiscriminate entry leads to abuses, and in order to prevent these abuses, the High Court has issued a circular. It is quite conceivable that some District Judge took a wrong view of the circular. Now, if the circular has been misunderstood and has been used in a manner not contemplated by the High Court the obvious remedy is to make a representation to the High Court. After all, these courts are under the jurisdiction of the High Court and if a High Court circular has been misunderstood or misapplied then the High Court is the proper authority to appeal to, and I dare say the mistake could be corrected. What can Government do in this matter as these courts are not under the control of the Government? They are under the control of the High Court.

Sir, the first grievance of the last speaker is that in each case a written permission is necessary for entry into the office of the court by a pleader or his clerk. If there has been an abuse of free entry, and if there has

been a restriction upon that free entry by means of a written *permission*, I do not see what is unreasonable about that.

Then, Sir, he says that notes cannot be used at the time of argument. Certainly that does not come within the purview of the circular. If the notes were taken in a legitimate manner, that is to say with a written permission, the clerk or a junior pleader goes into the office and takes notes, they can certainly be used. If the Judge does not allow the use of the notes, the Judge has no business to interfere because the notes have been taken legitimately and they can be used by anyone. If the Judge does that, he does it quite wrongly and in that case a representation should be made to the High Court that the Judge has misunderstood the intention of the circular. Then, Sir, he says that sometimes a pleader's clerk has to get some necessary information, *e.g.*, dates of execution cases, and unless he goes to the office he cannot get the information. As the District Judge says in most cases and certainly in regard to pending cases and so on the information is available on the notice board. If the information is not available on the notice board and one has got to go into the office, all that is necessary to do is to get a written permission. Certainly to enter the office room with a permit is a little more inconvenient than to enter it without one. When a privilege enjoyed for a long time is limited by a permit some inconvenience must result. What we have to see is which practice is more conducive to the administration of justice. If the old practice was not conducive to the administrative of justice and for improving that practice the circular was issued, let the circular have a decent run. If the circular has been abused or found inconvenient, the proper authority is the High Court to which representation should be made, and I am sure that High Court will consider the objectionable elements in it. Sir, this is a matter in which Government can take no action. I oppose the motion.

Rai Sahib Akshoy Kumar Sen's motion was then put and lost.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 1,32,100 under the head "24A—High Court" be reduced by Rs. 100 (to consider the question of the charges for paper books in second appeals).

Sir, in previous years I laid this question before this House and in his reply the Judicial Member last year stated that the matter was an experimental one and might be reconsidered later on. Sir, for the information of those members of the House who are not familiar with the subject, I shall, with your leave, Sir, explain to them what second appeals and what paper books are. Second appeals are the appeals brought before the High Court from the judgment or decree of a civil court which has already decided an appeal from the primary civil court. For years together, ever since the institution of the High Court, I understand, till about ten years ago the rule was that a paper

book had to be printed for the use of the Judges of the High Court so that their fingers might not be soiled by wading through the original records, and the practice was to have the pleadings, the plaint and written statement, the judgments of the two lower courts, and the grounds of appeal printed for the use of the learned Judges; and the appellant was required to pay Rs. 7-8 as his share of the cost and the respondent was likewise required to pay a like amount as his share of the cost, and they each got one copy of the paper book after the case was ready for hearing. Needless to say, Sir, that at that time when the appeal was rejected at the preliminary hearing no paper book was prepared, nor was any money taken from the litigants. Later on, the High Court in its wisdom dispensed with the plaint and the written statement from being included in the paper book, and only the two judgments of the courts below and the grounds of appeal were printed for the use of the High Court. Further, would you, Sir, believe it that the charge was enhanced so far as the appellant was concerned to Rs. 15; but he was given two copies of the paper book. And when the respondent put in his appearance and he wanted a copy, he was charged six annas a page. That went on for some time till the Bar Association, *i.e.*, the Association of Advocates—non-Barrister Advocates—of the Calcutta High Court made certain representations. They said that at the time the appeal was set down for preliminary hearing—whether it would be admitted or not—the appellant had to make out two copies, at least, of the judgments of the two lower courts —one for the junior Judge and the other for his own pleader. If there were more pleaders appearing for the appellant, he had to get more copies made out. These copies, Sir, had to be thrown away if the appeal was admitted, because under the rule the court was to print the same two judgments and the grounds of appeal and charge Rs. 15. The Association, therefore, submitted that these copies might be used at the final hearing. The Judges of the High Court were good enough to say that this was a real grievance, and they changed the rule—and what a change, Sir. The change is that as soon as an appeal is filed, the appellant has got to pay Rs. 10 for typewriting copies of the two judgments and the grounds of appeal. If the appeal is dismissed at the preliminary hearing, this money is forfeited to Government. If the appeal is admitted and there is a final hearing, then the two copies which were first prepared are preserved; there had been made three copies of each, *i.e.*, six copies in two impressions and they are used at the time of the final hearing. As I have said, there is no refund if the appeal is not admitted; but the strangest part of the case is that if the appellant has got to make any application for stay of execution or any other matter which is urgent, then he has to make his own copy, but he has to pay Rs. 10 all the same to the accountant of the court. (THE HON'BLE SIR BROJENDRA LAL MITTER: "An additional sum of Rs. 10.") Yes; the rule says: "Provided that in any case in which an advocate desired to move the court for stay of execution in

the lower court under Order XLI, Rule 5, Civil Procedure Code, *on the same day* that an appeal is filed, he must deposit with the accountant of the court Rs. 10 in cash with a *challan*, and the accountant will grant him a receipt." But, Sir, the copies he has got to file before the Judges in order to have the application disposed of are the copies made by himself. But in this case the High Court is just and says that if such appeal is dismissed under Order XLI, Rule 11 of the Code, the sum of Rs. 10 deposited with the accountant will be refunded on application. In other cases there is no refund and I ask the members of this House to consider whether the Court makes the typewritten copy or not, that in each case the litigant has got to make at least one copy for his pleader and that copy he must have before the appeal is filed or at the time the appeal is filed. It is trite knowledge that it does not require a large sum of money to make copies of these typescripts and that would also appear from the rules themselves. This sum of Rs. 10 is charged from the appellant, but let us see what has the court to pay out. Rule 11 says: "The typist will be paid at the flat rate of Rs. 2 for each set of three copies of every paper book (in a second appeal irrespective of value) taken in one impression"; that is to say, for these copies the court pays out Rs. 4 to its typist but asks the litigant to pay Rs. 10, making a clear profit of Rs. 6 on each second appeal above the value of Rs. 50—not to speak of the further sum received from the respondent who has to pay Rs. 5 for each copy of the paper book. I ask, Sir, what is the justification for this rule. The Preamble says that this rule will continue in force for the period sanctioned for the further retention of the Paper Book Department on a temporary basis; that is to say, the retention of this department on a temporary basis has been recommended, I take it, by the Bengal Government; and for the further retention of that department this extra taxation is necessary from the litigants.

Then, Sir, what is the quality of the paper book supplied by the High Court for this sum of Rs. 10? I have here in my hand a paper book which has just been delivered to one of the advocates of the High Court, and I shall send it across to the Hon'ble Member in charge. If he glances through it, he will find it full of mistakes, and this copy was the third corrected copy sent out by the office—corrected not in type but by hand. It may be said that it is a rare occurrence, but I have got another copy which is no better in this respect than the other one. If the Hon'ble Member is good enough to look through these copies, he will see for himself that these copies can be prepared outside the court at 10 pice per page.

Sir, there is just another matter to which I wish to refer. On account of this new rule, the litigants are not allowed to provide their own typewritten copies for the use of the Judges, and the House will be amazed to learn that second appeals are not now put up for preliminary hearing for about a year. No paper book in second appeals filed

after the 1st May, 1934, has yet been prepared by the office, that is to say no second appeal filed after the 30th April, 1934, is yet even now ready for preliminary hearing, though the litigant's advocate has in each case paid Rs. 10 for this privilege which at the best is a very doubtful privilege. I do not understand how this supports the Hon'ble Member's theory that the High Court in its administrative capacity should not be criticised; it may be so. But what the Hon'ble Member said in support of the present cordial relations between the executive and the judiciary is really the reason why the public outside are losing their faith in the judiciary and the High Court. I submit that this is probably one of the results of the cordial relations, because the Executive has sanctioned the retention of the Paper Book Department on a temporary basis for an unspecified time; and in order to preserve this department this is the rule which the High Court has framed. Whether it is due to that reason or to any other reason, it does not matter; but what does matter is that the litigant in this province should not be made to incur this unnecessary expenditure and that he should be allowed to file his own copies of the judgments as he used to do before. Then there is just another matter that I want to inform the members of this House. These copies made by the High Court are copies made from the certified copies filed by the appellants. There is no provision for these copies being compared and corrected after the record has come up in original after the appeal has been admitted, so that if there are mistakes in the certified copies obtained in the first instance, the High Court has got to proceed at the hearing of the appeal on these uncorrected copies. That again is a reason why this system should be discontinued at once. If there are mistakes in the certified copies, the mistakes continue for the remainder of the hearing.

The Hon'ble Sir BROJENDRA LAL MITTER: I confess that this subject is entirely new to me, and after hearing Mr. Basu it seems to me that there is a case to examine. Will this satisfy the hon'ble mover? I have listened to him patiently, but I should like to have his speech when it is printed. I would like to take up this matter with the Chief Justice. The Chief Justice is looking into various administrative departments in the High Court, and in this particular matter I find from previous records that there is a good deal of feeling and resentment. That being the case, I can promise taking up the matter at an early date with the Chief Justice and to see, if there is a legitimate grievance, what the remedy should be. If that will satisfy my friend, well and good. If not, then I shall have to go into this matter, and not being familiar with the subject I am afraid I shall take some time. I shall have to oppose the motion.

Mr. NARENDRA KUMAR BASU: On a point of information, Sir. May I ask the Hon'ble Member a question? I may inform the Hon'ble Member of a fact of which he is probably not aware.

Mr. PRESIDENT: You are not asking for information, Mr. Basu, but you are giving information.

Mr. NARENDRA KUMAR BASU: May I ask him a question? Will the Hon'ble Member be prepared to recommend to the Chief Justice that a committee should be appointed to go into the question of second appeals like the committee that was appointed to go into the question of first appeals?

The Hon'ble Sir BROJENDRA LAL MITTER: I cannot undertake to recommend it, but I can suggest that.

The motion was then put and lost.

The Hon'ble Sir Brojendra Lal Mitter's original motion was then put and agreed to.

25—Jails and convict settlements.

The Hon'ble Mr. R. N. REID: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 42,50,000 be granted for expenditure under the head "25—Jails and convict settlements."

Sir, I would point out that this figure is smaller by over half a lakh than the sum provided in the Budget for 1934-35 and is just about a quarter of a lakh higher than the revised estimate of that year. The revised estimate again is less than the Budget estimate by nearly Rs. 82,000, although it includes a sum of Rs. 75,000 in excess of the Budget provision under "Charges on account of persons detained outside Bengal under the Bengal Criminal Law (Amendment) Act." The bulk of that amount was spent on the extension of the Deoli Jail in 1933-34, but was not adjusted in the accounts of that year. It will be seen that in the Budget for the ensuing year there is increased provision under "Pay of officers" and also "Pay of establishment." That is chiefly due to the restoration of the cut in pay and to the normal provision for increments and in some cases to additional provision for watch and ward. Some increase has been allowed under "Supplies and services," the estimate of which is always rather difficult to make owing to the fluctuation in the prices of foodstuffs and also to the fluctuation in the population of our jails. Apart from these, I do not think there is any particular feature in the "Jails" Budget to which I need draw the special attention of the House, and I will take up the time of the House no longer and let the House get on with the cut motions.

Mr. PRESIDENT: I may tell the House at this stage that motions Nos. 361, 362, 363, 364, 365 and 366 are almost identical. If one is moved and the discussion is confined to that, I think it will serve our purpose.

Mr. P. BANERJI: I beg to move that the demand of Rs. 8,99,000 under the head "25A—Jails—Central Jails" be reduced by Rs. 100 (grievances of prisoners, particularly of political prisoners in central jails, regarding diet, accommodation, treatment by the authorities, non-supply of mosquito curtains and hand fans and other complaints).

Sir, we have as usual to bring to the notice of the Goverment every year these grievances of prisoners in the jail. As far as we can understand, the jail is a place for correction and not corruption. Having experience of different jails in the Indian States and the jails in British India side by side, I am of opinion that in the Indian States the jail authorities teach the prisoners so many things and particularly cottage industries that when the prisoners come out of the jails they settle down as useful citizens, while in British jails we find that the treatment meted out to the prisoners is entirely different from that in tha jails in the Indian States. Here we often read in the newspapers that such and such persons after they came out of the jails were again convicted of several offences. Such instances in other countries are rare. Therefore, I suggest that the poilcy of the Governemt, so far as the jail administration is concerned, should be changed. It ought to have been changed when we brought to the notice of the Government the grievances of the prisoners year after year. We have often noticed the Hon'ble Member in charge to swear by the Jail Code. He will say perhaps that his hands are tied and that he cannot do anything further because of the Jail Code. In this connection may I submit to you, Sir, that the Jail Code was received before and could also be revised now but no attempt is made in that direction. Whenever the question of the supply of mosquito curtains and hand fans to prisoners is brought up before this House, we are told that there is a difficulty about it. I suggested the year before last that all these things could very easily be done by placing bricks on the four corners of the curtains so that they would not fly about. Thus there would be no difficulty. I would like to hear from the Hon'ble Member in charge what he would say in this respect—whether these difficulties can be obviated by adopting my suggestion. This is so far as mosquito curtains are concerned. Then, Sir, about fans and other small luxuries that are not now given to them but which were given at a time when the movement was very high outside. I would give some concrete case from the Midnapore Central Jail in this connection. Before August, 1934, all the Division

III prisoners used to be given all sorts of comforts like the Upper Division prisoners, but from August of that year things began to change. These persons at one time were segregated from other prisoners who were guilty of terrorist activities. Now, Sir, from this time onwards we fail to understand why these prisoners were mixed up together and no distinction was preserved between them. But what about the privileges that they were given before August, 1934? They were all taken away from them for no offence of theirs, while many of them were put in solitary confinement. These cells were at one time practically abandoned; they were very gloomy and as a result of living in these cells many of the prisoners suffered a lot. This is the policy of Government, Sir, so far as accommodation of prisoners is concerned, and this policy is changing from year to year towards the worse. My submission to you is that the policy of Government should be changed and directions should be given to the jail authorities that the prisoners must be very kindly and fairly treated so that when they come out of the jails they can come out with a different feeling to what they now entertain. But their grievances are not listened to or redressed. You are aware just now of what has happened in the Dacca Central Jail where as many as 18 persons are on hunger strike. I gave a concrete case that the condition of certain persons was precarious, but the jail authorities did not listen to that and the Hon'ble Member in answer to the question denied any knowledge. The Hon'ble Member from his records does not know what is actually the state of affairs there, but gets his information from subordinates who naturally say that nothing is the matter there. I brought a concrete case to the notice of the Hon'ble Member. What I am suggesting is that it was up to the Hon'ble Member to make enquiries into this case and if enquiries are made and it is found that things are different from what they are reported to be by us, then that is a different matter. Otherwise, the policy of Government as we have noticed from year to year is always to depend on the man on the spot and always to stand by their action; that has always been the policy of Government, but I consider that this policy is a ruinous policy on the part of Government. They should [illegible]ays accept whatever statement and whatever report are given [illegible] subordinates without making further enquiries when such is [illegible]ly desired by the members of this House. It is no joke for [illegible] to go on hunger strike from which sometimes death has taken [illegible] Therefore, if any report is made about these things to the local [illegible] authorities they always shield many things from the higher authorities here; so, when such complaints are made, why cannot the Hon'ble Member make an enquiry himself by flying down to Dacca—it will not take more than 2 hours—and see for himself what is happening there, instead of sitting tight in his place in Writers' Buildings? But these things are continuously avoided; it is going on for a pretty long time

and why should Government sit tight and depend entirely upon the report of the local authorities who always try to maintain their *zid*? If these persons who were in jail custody had complained to Government for redress of many other grievances, is it not up to Government to make enquiries into the matter instead of making a condition precedent that they must break up their strike before they could consider their grievances? It is quite possible, Sir, that Government will consider their grievances, but if the Hon'ble Member or any of the officers went down to the spot and spoke to them and requested them or their relatives to tell them of their grievances, that would have been far better, but Government seems to be very silent about this matter. To them, Sir, it does not matter what happens—how lives are lost and what takes place in jails. But as a result of this action, it is Government themselves who suffer in the long run, because they lose their popularity and popularity to a good Government means a lot. About the non-supply of many small things like soap and other things according to the Jail Code, I have already pointed out the grievances in the Midnapore Central Jail. These small matters of toilet requisites were denied to them, but they had been enjoying them for a long time. Now, Sir, why is it that they should be deprived of all these things? In this case also the Hon'ble Member might make an enquiry. Midnapore is very close to Calcutta, but nothing has been done. Then, Sir, what has been the result of living in solitary confinement? Here I would refer to a case of one Maya Devi, aged 19. Her condition now is very precarious. She was in the Calcutta Medical College Hospital; Government very kindly sent her to the Medical College and she was there for six months, but she was again sent to the Alipore Central Jail Hospital. Dr. Hodge, the acting Principal of the Medical College, is of opinion that her original complaint, was gastric ulcer ——.

Mr. PRESIDENT: Are you sure he is the acting Principal?

Mr. P. BANERJI: Yes, Sir, that is my information.

The Hon'ble Mr. R. N. REID: Mr. Banerji is quoting from Colonel Hodge's opinion, I understand. Am I entitled to ask for a copy of that opinion?

Mr. PRESIDENT: If I am not mistaken you seem to imply that that document is confidential.

The Hon'ble Mr. R. N. REID: Then how can he quote from it?

Mr. PRESIDENT: Unless the whole document is available to the House, I think the parliamentary practice is not to quote from it. Are you in a position Mr. Banerji to supply the entire document to the House?

Mr. P. BANERJI: Well, Sir, if the hospital reports are all confidential, then certainly I will not dilate on that point. But all I now say is that before she was removed to the Central Jail Hospital she was suffering from gastric ulcer, but now it appears that she is suffering from tuberculosis. Why was she suffering from this disease? Because we take it, she was confined in a soliary cell six months before trial and 7 months after her conviction. And it is this solitary confinement which has resulted in this disease.

The Hon'ble Mr. R. N. REID: May I ask the member if a part of this lady's sentence was sentence of solitary imprisonment? He ought to know, because he referred to solitary imprisonment.

Mr. P. BANERJI: I do not know, Sir, if she was sentenced to solitary imprisonment, but she was put in a solitary cell for seven months.

The Hon'ble Mr. R. N. REID: He may take it from me that it was not a case of solitary imprisonment.

Mr. P. BANERJI: So far as I am aware, Sir, it was not, but as I have said she was put in a solitary cell before conviction for 6 months as well as after conviction for 7 months, that is, altogether 13 months, and as a result of this she fell a victim to this fell disease, and if she had not been put in this dark and solitary cell she would not have been suffering from this disease. Therefore, I submit that Government should take these matters into consideration whenever any application is made to them regarding insanitary accommodation, but there are difficulties also in the way of those applications reaching the Hon'ble Member. They are hardly ever sent to him by the local authorities. Let me mention one concrete case like this, a case in which an application was made by the mother's sister of the lady. Government say that they were not prepared to release her unconditionally, but she was so poor that it was impossible for her to meet her medical expenses; so since Government was defraying her medical expenses here, they could continue that when this petition was made to Government. But no reply has as yet been given to her petition which asked for a reconsideration of the matter, and the party is still in suspense; with the result that the girl is in a very precarious physical condition. This, Sir, is only one of many instances. So I suggest that on account of

putting a person in solitary confinement and particularly in dark places prisoners fall a prey to many fell diseases. Therefore, Sir, all that I want by this motion is to bring to the notice of Government the fact that it is high time that the jail administration of our province ought to be thoroughly changed and overhauled. With these words I beg to commend my motion to the acceptance of the House.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I support the motion of my friend Mr. P. Banerji. Sir, I was inclined to think that in view of the repeated assertions on the part of the high officers of the Government that the political atmosphere in the province was clearing up, that non-co-operation was dead and that terrorism has been brought under control, that the Government of Bengal would return to the normal frame of mind. During the last few years a good deal of abnormality has crept into the situation. The Government of Bengal were accused of supporting the actions on the part of their subordinates which would not do credit to any civilised Government. Their justification was that abnormal situations required abnormal measures. Their defence was that they did not like to take harsh measures. They did not like to be oppressive, but the situation in the country was such that they had to adopt drastic measures whether in the matter of dealing with the people or the political situation in the country or in the administration of the Jail Department. Sir, they condone actions of severity on the part of the jail authorities. More than once the Member in charge of the Jail Department—I refer to the late Sir P. C. Mitter—who pleaded in an apologetic tone as regards the attitude and the policy of the Government at the time. He was helpless on this account or that, his sympathies were with the grievances of the public, but for some reason or other he could not accept our suggestions. He promised redress, but for some reason or other no redress could be had. Then, Sir, we had Sir C. C. Ghose who for a time seemed to realise the enormity of the policy of the Government and he too promised redress. But now the Hon'ble Mr. Reid is at the head of the department and, according to the statement of the Government Members, the situation is more or less normal now. Sir, can there be any justification in such normal conditions to resort to measures which are likely to inflame the mind of the public and bring this Government into disrepute? Sir, we thought we had heard the last about the hunger strike last year when the hunger strike at Alipore was over. I know something of that strike, and I know also at whose intervention and sympathetic attitude the strike ended so soon. Sir, Government instead of carrying out their promise, it seems, have tightened the rope, and have become further stiff in their attitude; and with the changed condition of the country they seem to think that they can do anything unchallenged. These prisoners belonging as they do to the *bhadralog* class, you may call

them political prisoners, you may call them terrorists, well, these people even in jail carry with them a certain amount of self-respect and if the Government want to avoid trouble they should do nothing that unnecessarily hurts their sense of self-respect. Last year I appealed to the Government to avoid inflicting pin-pricks on these prisoners because these pin-pricks do not help the Government in any way. They simply exasperate the prisoners. In small matters if the Government tackle the situation sympathetically they do not lose anything. They can in no way be condemned for weakness, but perhaps their generous attitude may help to soothe the feelings of these prisoners and may help to bring them round. But instead of that it seems the Government of Bengal is determined to take action which will create more trouble. Sir, I strongly protest against the frame of mind that indicated the policy of the Government as disclosed in the answer given by the Hon'ble Mr. Reid in reply to a question put by my friend Mr. Narendra Kumar Basu in connection with the recent hunger strike in the Dacca Jail. Sir, there we find that the District Magistrate visited the prison on the 11th and warned that nothing would be done until they gave up their strike. Sir, what does that policy amount to? The Government or the officers of the Government did not enquire into their grievances when their attention was drawn to these grievances long ago, but when these prisoners in despair resorted to hunger strike, the District Magistrate—the local representative of the Government there—instead of going to them and saying, "Well we are going to enquire into your grievances, and you give up your hunger strike," he took up an attitude totally indifferent to their sufferings and said that nothing would be done till the hunger strike was called off. I do not know what to call that attitude. Why can't you say I am going to enquire into your grievance so that there is no need for you to continue the protest and remain on hunger strike. Well, if that had been the whim of a local officer I would have ignored it; but here I find something else. It is stated in reply to a question this afternoon that the local officer had been instructed to enquire into their grievances and submit a report when the hunger strike was called off. That is the attitude of the local officer and is supported by the Government. It is that attitude and that policy which I want to condemn on the floor of this House.

Sir, if it is not possible for the Hon'ble Member in charge of the department to fly to Dacca, I would ask him to instruct his officers there to go into the grievances immediately and see if there is any cause for this strike and whether Government can meet some of the wishes of the prisoners irrespective of whether the hunger strike is called off or not, because a grievance is a grievance and some may have resorted to hunger strike on that account, but there may be others who

may not have done so, and why should they continue to be under these grievances simply for the action of a section of the prisoners who are on hunger strike. It is not the case of the Government that only those who are on hunger strike have grievances. This attitude of the Government to ignore the sufferings of the prisoners and to be callous to their sufferings is what we condemn, and if possible try to bring the Government into a more humane and generous frame of mind. Sir, I know the charge is levelled against us that if we dare to take the cases of these political prisoners or these terrorist prisoners on the floor of this House, such action would only help and encourage them. I repudiate that charge. It is a part of our duty to bring to light the grievances of the prisoners as well as those who are outside the prison. There is nothing in the constitution that suggests that grievances of political prisoners or even of the terrorists are not to be ventilated on the floor of the House. Sir, this is the place where all grievances have got to be ventilated, and it is a tribute to the constitution and to the Government as well as to the House that we take the opportunities for ventilating the grievances of even terrorist prisoners on the floor of this House. The Dacca affair is prominently before the House just now. And there is also the case of other prisoners and detenus who are lodged in jails and who are not receiving proper treatment—some of whom the Government have taken the opportunity, after lodging them in the jails, of getting them convicted for breach of the jail rules. Sir, to-day the Hon'ble Mr. Reid denied that there are any such prisoners in the Dacca Jail just now——.

(At this stage the member had to resume his seat, as he had reached his time-limit.)

Maulvi SYED MAJID BAKSH: Sir, so far as this motion is concerned, I think it is, more or less, comprehensive, and I think it is the proper place for dealing with the grievances of political prsoners in the jails. Sir, in this case I would like to lay before you my experience. I am a non-official visitor of the Jessore District Jail, and in the course of my visit I was surprised to find the interpretation put by the Jail officials on certain clauses of the Jail Code. For example, I found that in the case of a prisoner placed in Division II the Superintendent said that in the Jail Code it is provided that, as far as possible, cellular accommodation should be given to Division II prisoners. The interpretation put on this provision was simply astounding, because it was interpreted to mean that Division II prisoners should all be put in cells —not for two or three hours, but for twenty-four hours—with only one or two hours of outing. When I argued with the Superintendent about this, he simply referred me to the rule in the Jail Code, which says that a Division II prisoner *shall* be given cellular accommodation and that therefore he has no option but to put such prisoners in the cells, *i.e.*,

in his opinion "shall" in this case is used in the third person meaning compulsion. The Hon'ble Member asked me on a previous occasion to ventilate the grievances of these men in this House. Therefore, I put it to the Hon'ble Member whether in a case like this he does not think that great miscarriage in the treatment is being caused in the cases of the prisoners as a result of the misinterpretation of the rules? I think he ought to issue a circular without delay to all the jail authorities concerned, that it is not obligatory to put these prisoners into cells, which means solitary confinement, pure and simple. Although there was no solitary confinement imposed on them by the courts, but, owing to this wrong interpretation of the rule, these people are put into solitary confinement without any justification whatsoever. Surely, Sir, they do not deserve such treatment.

Secondly, Sir, I would take up the question of supplying mosquito-nets to these prisoners. In a district like Jessore, which is proverbially and notoriously malarious, mosquito-nets is not a luxury for the prisoner but a medical necessity—necessary for the sake of their health—as it is well known that in malarious districts a large number of persons—even healthy persons—have been infected with malaria, after being bitten by mosquitoes which have bitten malaria-stricken people. Therefore, as I have said, mosquito-nets are not a luxury in the case of these malarial districts, but a necessity and a sanitary necessity. Perhaps, we shall be told that it is difficult to supply mosquito-nets to prisoners for various reasons. In that case I would suggest to the Hon'ble Member that in those districts if mosquito-nets cannot be provided, the authorities would do well to provide fine wire-netting for windows and doors and all other openings in places where the prisoners sleep at nights. If you do this and if all the doors and windows are closed for a sufficient number of hours, mosquitoes will be kept out, and the question of supplying mosquito-nets will be solved and the prisoners will have a little more comfort during their sleep, which they very well deserve after a hard day's work. Sleep is, after all, a demand of nature, and it is only human to provide such prisoners with this little comfort. By this also, I submit, Sir, the question of malaria infection will be solved. I venture to throw out this suggestion in the hope that the Hon'ble Member in charge will ponder over it more closely, consult his subordinates, and his Secretaries, and see if he could solve the difficulty in this way. Sir, I shall not detain the House any longer.

With these few words, Sir, I give my wholehearted support to the motion.

***Mr. J. B. ROSS:** Sir, I rise to oppose the motion of my friend, Mr. P. Banerji. During the period I have been a member of this House, *i.e.*, for about two years or so, I have listened to many speeches made by Messrs. Banerji and Roy on many matters; and I have come to the conclusion that both of them are living in the wrong world. Where they

ought to be I am not prepared to suggest, but it seems to me what they are aiming for is a paradise where there is no Government, no police and no jail, but merely a concatenation of trade unions to which they can talk and talk as much as they please.

Sir, when I read the motion, I was somewhat disappointed to find that he had omitted to include a reference to the non-supply of such other luxuries as hot water, tobacco, personal servants, finger bowls and feather beds. I have been a visitor to the Alipore Central Jail for some years now and I am, therefore, able to speak from personal knowledge, with a certain amount of authority, of the conditions prevailing there. I have no doubt that similar conditions prevail at the other central jails in the mufassal. I doubt very much whether my friend, Mr. Banerji, has this advantage. From his remarks, to which I have listened very attentively, I gather that there is very little conviction in his mind as to the soundness of his case. He has not spoken with conviction and one can only conclude, therefore, that he has no real faith in the grievances to which he has given utterance. In fact, his motion is so worded as to make it apply particularly to political prisoners, *i.e.*, the particular class of—shall I say—criminals for whom he and his colleagues have throughout the past few years been doughty champions. I am not sure whether my hon'ble friend has not allowed his enthusiasm for this particular class of prisoner to blind him to the real facts as they are to-day. The only so-called political prisoners at present lodged in the Alipore Central Jail are those convicted of terrorist crimes. To my mind these prisoners cannot truthfully be called political prisoners. They are nothing more than out-and-out criminals with a professed creed of murder, who merit no better treatment than to be hounded out of ordered society and who consider themselves fortunate that they have escaped the extreme penalty of the law. Such are the individuals, Sir, for whom Mr. Banerji seeks to obtain equipment of first class hotel conditions, instead of what they soundly deserve, conditions which in fact do constitute just punishment for crimes committed against ordered society and who are rightly classified in Division III.

Now, Sir, we have heard a great deal about the hunger strike in the Dacca Jail, and the responsibility for that again has been thrown on the Government. To my mind a hunger strike is merely taking in their hands the law by the prisoners and there is only one punishment which you can inflict and that is imprisonment for infringement of the Jail Rules.

Now, Sir, let me deal with the true conditions as they are in the Alipore Central Jail. The scale of diet per capita per day is as follows:—

Rice—25½ oz. for Bengalees: or for Biharees—rice 15 oz. and *atta* 10½ oz.

Dhal—5 oz.

Vegetables—8 oz.

Oil—5/8 oz.

Fish—1 oz. on alternate days.

Goor—½ oz.

Salt—1 oz.

Condiments, Tamarind—½ oz.

Plus coal for cooking.

This, I have been advised by those who know something about it, constitutes a regular healthy diet and one which, I am told, would confer considerable benefit to many members of this House if they chose to adopt it for a period. From my personal knowledge I can say that the foodstuffs are of excellent quality. They are cooked in communal kitchens and when the meals are under preparation the savoury odour when I happen to be passing through the jails makes me quite hungry. During my many visits to the Alipore Central Jail I usually ask for complaints not only from Europeans but from Indians as well, particularly in regard to diet; and generally the answer is the same—"We have no complaints." It seems very strange that we hear of these complaints only here, but when I go and ask for complaints, I do not get any.

Now, Sir, in regard to accommodation, all terrorist prisoners in Alipore are lodged in separate cells. There is, therefore, no overcrowding. The cells are fitted with a masonry pallet, to which I think most of them are accustomed. It may constitute a hardship for those who may be accustomed to more luxurious methods of sleeping, but it should be pointed out that if they choose to commit crimes they have got to pay the penalty and this hardship is only a part of their punishment.

As regards mosquito-nets and hand fans, I am advised, however, by the Superintendent of the Alipore Jail that prisoners may purchase mosquito-nets themselves or their relatives may bring them into the jail and no objection whatever will be offered to their use. Presumably, the same conditions apply to other jails. Therefore, in this respect, Mr. Banerji's complaints should be directed not against the Government but against the relatives of the prisoners for failure to supply the mosquito-nets. As regards hand fans, these are allowed on the recommendation of the Medical Officer of the Jail and not otherwise. It must be remembered, however, that prisoners in jail undergoing sentences for crime have to work which they cannot do and use a hand fan at the same time. I do not therefore think that the lack of hand fans is very much of a ground for grievance. In regard to terrorist prisoners who are a dangerous body of men jail discipline is enforced upon them much more strictly than in any other case. The relaxation of discipline with that class of people may be fraught with very dangerous results which the Government know full well from past experience. Some prisoners who may be in detention may find the detention and discipline irksome and

a hardship, but, as I said before, it is part of their punishment. There are others who find jail conditions much to their liking; they put on weight and emerge on completion of their sentences much improved in health. From whatever point of view one looks at the matter there can, in fact, be no real grounds for substantive complaints against the conditions prevailing or the diet issued at any rate in the Alipore Central Jail, and I can only say that my friend Mr. Banerji's motion appears to me to be merely an excuse to raise another rod for the castigation of Government, be the premises however false.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I feel some difficulty in speaking on a motion like this, but what has prompted me to take a few minutes of this Council's time is the fact that I have come recently in contact with a young man who happened unfortunately now to be in the Alipore Central Jail, having been convicted of a certain political crime. This young man comes from a highly respectable family of Calcutta, and I happen to be somehow interested in this young man's family.

The Hon'ble Mr. R. N. REID: On a point of order, Sir. May I ask the hon'ble member what the political crime is of which this young man was convicted?

Rai Bahadur Dr. HARIDHAN DUTT: He was convicted by the Presidency Magistrate in Calcutta for the retention of some arms in his house. In any case what I have heard about this young man from his relatives does not go to substantiate what has been laid down in the motion of Mr. P. Banerji. I have been given to understand that this young man has got nothing to complain of about accommodation or diet, far less to complain about the treatment of the authorities in the jail. The old grandfather of this young man came to me and informed me that his only complaint was that this young man was allowed to mix up with other people who were known to be of terrorist turn of mind. Actually, what he said was this, that he apprehended that his young ward, his grandson, who in his estimation is not a terrorist but had been unfortunately convicted of that political crime might turn out to be a terrorist when he would come out of the jail after two years, which was the term of his imprisonment, because of his close association with the terrorists in the jail. What my friend aims at in his motion I do not know. I would like to disassociate young prisoners from the people who are of confirmed terroristic mentality. The ground of complaint of the grandfather of this young man of 18 was that his grand-child was allowed to mix freely with people who were classed as terrorists in the jail. My friend Mr. Banerji wants accommodation. But I do not know what accommodation in particular he wants. If accommodation is wanted in the jail for anybody, it is for such young men who are still capable of reformation, so that they may not have to live in close

association of those people who are of real terroristic mentality from day to day and from month to month. That is the reason which has prompted me to speak on this motion and to point out what is needed.

Coming to the question of diet, I must tell you that when the late Sir P. C. Mitter was here amongst us, he casually consulted some of us on the scales of diet laid down in the Jail Code. As a medical man of some experience I fully corroborate what has fallen from the previous speaker. The diet is quite good and liberal. It will keep any man in healthy condition. I must make bold to say that if there is some difficulty with regard to administrative matters in the jail or if there is any theft or corruption which brings about the denial in getting adequate amount of food I cannot say. Whatever it may be, I am not to criticise that. Our experience is that those who stay in these prisons for a pretty long time, a large majority of them come out in a healthy condition and often in much better state of health with their weight increased. I have myself noticed young men after a stay of a few years in the jail coming back to society with an altered and improved appearance altogether. This fact cannot be ignored. Many of these young men when after their detention in jail for a certain time come out look quite different men; their appearances are changed and they look healthy. That must be due to the diet or other treatment meted out to them. This also cannot be ignored. My friend Mr. Shanti Shekhareswar Ray says that it is our duty to speak of the political prisoners. May I ask him if it is not our duty to speak of the other prisoners also? While speaking on the motion, my friend's attention has only been towards the political prisoners. He is not strictly correct when he says that because of his duty towards the political prisoners that he must bring a motion like this. Then about the hunger strikes, I personally believe that these strikes are nothing but the effect of some derangement in the higher storey. We ought to denounce and discourage these hunger strikes and try to prevent them as far as possible. Instead of that, we find many of our friends extol them, praise them and bring them to prominence in season and out of season. I do not agree that this should be done. What is a hunger strike? It is nothing but a kind of suicide. I do not understand why my friends should encourage people to commit such suicide. If the diet scale is not bad, if it is sufficient to keep people going and to turn people out into healthy condition when they come out of the jail, why should there be a hunger strike? Of course, if there is any other reason, that is a different matter. I personally believe that it is our duty to discourage hunger strike which is another form of suicide. But instead of doing that if we have large processions out in sympathy of the hunger strikers, that is practically encouraging the hunger strike and indirectly encouraging the suicidal crime which is denounced by every religion, particularly by the Hindu religion. How can a Hindu encourage a man to commit suicide, I cannot understand. Whatever that may be, it is

only proper that suicides by hunger strike ought to be discouraged by all sensible men, and one move in that direction would be to decry it from places like this Council.

This is all I have to say, but before I resume my seat I once more ask the Hon'ble Mr. Reid to see whether some arrangement could not be made by which young men could be prevented from mixing in the jail with persons who are of terroristic mentality with a view to save these people and their future prospects from being ruined.

(The Council was then adjourned for 15 minutes.)

(After Adjournment.)

Mr. NARENDRA KUMAR BASU: Sir, from the reply given by the Hon'ble Mr. Reid to my short-notice question at the beginning of to-day's sitting I found that 18 men in the Dacca Central Jail were on hunger strike; six of them or rather about eight of them for about 3 months and the others for shorter periods, the last three having been on strike for more than three weeks now. From that, Sir, I carried away the impression that there must be something wrong in the treatment meted out to them in the jail and that there should be an enquiry made into the grievances of these prisoners. Well, Sir, like Mr. Reid I profess I do not understand the word "political prisoner" to signify any one who has not been convicted of, say, treason or sedition or who has not been clapped into jail without trial. I do not think that the term "political prisoner" would aptly apply to men who have been convicted of definite offences under the Penal Code excepting, as I have already said, sedition and other cognate offences, but still I do think that these young men, whether misguided or not, are human beings and are, as such, entitled to humane and kind treatment, which should be accorded to them under the Jail Rules. But I was rather disabused of this impression of mine, on hearing the two last speakers, Mr. Ross and Rai Bahadur Dr. Haridhan Dutt, that jail life was not any sort of punishment. From the frequent visits that Mr. Ross has paid to the Alipore Central Jail and from which he has come out healthier and heavier himself—of course, I do not know whether he was less heavy or less healthy before he went to jail—and from the description given by Rai Bahadur Dr. Haridhan Dutt about the luxurious scale of diet in the jails, of which Dr. Dutt has *heard*, it does appear to me rather inconsistent or rather something strange that these young men, who are attempting suicide in the words of Dr. Dutt, for three months, do not know how well their lot has been cast in the enviable place, namely, jail, and that they contemplate committing suicide in spite of the treatment meted out to them. Sir, I too have been a visitor to jails and I must say that the diet which is given to Division III

prisoners as certainly good enough for the common people, that is to say, the class of men—day labourers and others—from whom the vast majority of the jail population comes, but I am not quite sure that that food is so appetising to the *bhadralok* young men as it is to Mr. Ross. Speaking for myself I must say that I have done what Mr. Ross had only felt tempted to do. I have actually tested the food given to the prisoners at least in one jail, and I did not find the food to be superexcellent, to say the least of it. It may be that the foodstuffs are not properly selected, it may be that the cooking is not properly done, but it is really not so good as has made Mr. Ross's mouth water and his bulk increase. Sir, I do submit that if there is anything in the grievance, and I say with confidence, that 18 men would not go on hunger strike, would not attempt suicide as Dr. Dutt has put it, without some grievance which at least they consider genuine. I do consider it rather callous of Government to say that whether the strike extends for three months or for six, and whether there are deaths of more than one prisoner—it does not matter—they, in the name of discipline, will make no enquiries into the grievances till the strike has been called off. We have already heard that there was previously a hunger strike not so long ago in September, 1934. We have not been told what the reasons of that strike were. We have not been told whether any enquiry was made into the grievances formulated at that time and what the results of those enquiries were. Did the enquiry show that the grievances were imaginary and not real? Was the hunger strike called off because the authorities mended the grievances or because they ended those grievances or because they showed to the satisfaction of the prisoner or prisoners who went on strike in September, 1934, that their grievances were imaginary? I submit, Sir, that in the name of humanity, whatever the tender solicitude of Government and of the Jail authorities might mean towards the prisoners, in the name of humanity they ought certainly to institute an enquiry into the grievances, an enquiry in which the friends and relatives of those misguided young men should, if possible, be permitted to be present.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I had no intention of speaking on this motion for several reasons. In the first place, because I have never been inside a jail even as a visitor, and a layman can easily be run down as a man who knows nothing about a jail. On the other hand, on previous occasions hon'ble members of this House have rebuked us for having had the hardihood to speak of the grievances of prisoners in jail without being in jail oursevles, because in fact they felt no grievance at all. Nevertheless, I think, Sir, after the answer given by Mr. Reid to-day, it is my duty to point out that the attitude which this answer discloses is one which cannot but be most

deeply deplored. Sir, I am not one of those who believe that the conditions of life in a jail are all bad. On the contrary, in a number of cases that I have known, the prisoners were treated well, and I have also known that in a certain number of cases they have not been treated well. They have had their grievances about their diet and other things, which grievances were not imaginary or fancied. For instance, some of those persons who went on hunger strike at the Alipore Jail made complaints about their diet which were simply pooh-poohed by the official Member in charge of Jails, to whom I mentioned the matter, but in the end some of those grievances had to be redressed even as regards diet. The difficulty lies in this. Those members who have spoken on this motion, as well as those members who generally speak in these debates, commit the fallacy, which is well known to students of logic, the fallacy of what may be called in popular language jumping at conclusions. Mr. Ross has said that he has seen a certain number of prisoners in the Alipore Jail (which by the way is not the only jail in Bengal) who do not answer to the description which is given of other prisoners in other jails. So at once he jumps to the conclusion that the stories of complaints and unjust treatment meted out to the prisoners in the Dacca Central Jail must be all lies. On the contrary, on many occasions complaints with regard to treatment in a particular jail or jails of a particular person or persons tend to get exaggerated into a general condemnation of the entire jail system. Sir, the truth certainly lies midway between the two and what we are now insisting on in the case of the Dacca prisoners and also in the cases of other prisoners in respect of whom complaints have been made, is that where such complaints are made they should forthwith be enquired into. But the answer of Mr. Reid is that these persons have not been content to express these grievances but, also, in the words of Mr. Ross they have taken the law into their own hands by going on hunger strike; therefore their complaint shall not be enquired into. Sir, I do not understand either the logic or the psychology of this argument. Why does Government want that the hunger strike should be given up before the complaint, made against some of the Government's own officers, is enquired into? Nor do I see why these hunger strikers need give up their strike if they have struck for good reasons. I should think that Government should rather make an enquiry and come out with some authoritative conclusions and then proclaim it to the public so that we might know the truth about this trouble. On the other hand, it is suggested that to make an enquiry while the hunger strike is on, will encourage hunger strikes only for the purpose of getting enquiries. Sir, why should it? Hunger striking is not a luxury and one does not go into it for nothing. It may be as Dr. Dutt says that it is a species of derangement of the brain; possibly it is. But if it is a derangement, it is a derangement which must be brought about by certain causes. Is there any harm, Sir, in investigating those causes?

What possible objection can there be to the making of an enquiry for this purpose and why should Government take up the attitude, after some of the prisoners have been on hunger strike for well-nigh three months, that no enquiry shall be made until they have given up the hunger strike? That is a most unintelligible proposition to me, Sir. If, however, these hunger strikes are causeless—which, it is hardly likely that they can be—the enquiry will not only expose the hollowness of the complaints made, but will also expose those persons who violate jail discipline without any reason whatsoever, to punishment. Then, again, in making an enquiry Government commit itself to nothing. It does not assume that these grievances are well founded and there is no question of giving an amnesty to all those who are on hunger strike; nor is it necessary that those hunger strikers should give up their strike while the enquiry goes on. If there is a basis or foundation of these grievances, they ought to be remedied, and why should they not be remedied merely because persons who have been suffering under those grievances have chosen to go on hunger strike? Merely because the prisoners who have suffered in some way and so entertain some grievance and therefore have gone on hunger strike. Mr. Ross has tried to ridicule these complaints as a demand on behalf of the political prisoners of hot water and other things as luxuries of first class hotel conditions. Well, Sir, if that is Mr. Ross's idea of first class hotel conditions, I am afraid he either has no notion of first class hotel conditions or is not strictly truthful. Sir, what is asked for in the way of mosquito-nets, improved diet, accommodation and treatment by authorities, and hand fans, are not in the nature of first class hotel facilities. Some of them are absolute necessities for people in some of the districts of Bengal at any rate. I am afraid, Mr. Ross has either been misinformed or mistaken. He said that so far as mosquito-nets are concerned, there is nothing to prevent these being brought into the jail by the relations of the prisoners. On the other hand, if my recollection serves me right, I think we were told in this House by the late Sir Provash Chunder Mitter that to allow mosquito-nets to be supplied to the prisoners by their relations would be very undesirable, because it would expose the other prisoners to an excessive attack by the mosquitoes.

Mr. J. B. ROSS: On a point of personal explanation, Sir, this information was supplied to me by the Superintendent of the Alipore Central Jail.

Dr. NARESH CHANDRA SEN GUPTA: Well, either he misunderstood the Superintendent or perhaps the information conveyed to him is incorrect, unless, since Sir Provash spoke, Government has

changed its policy. Then there is another thing about which a grievance has been made in one of the motions of which notice was given about the Dacca prisoners wanting facilities for studies. So far as common prisoners are concerned, no question of facilities for studies arises, but in this case of the educated prisoners, it would be in the interest of jail discipline, in the interest of their own welfare and in the interest of the welfare of the Government and the people that such adequate facilities should be provided for, and if they are not provided with such facilities and if they make a grievance of it, would the Government of Bengal think it to be an altogether imaginary grievance and say that unless they gave up their hunger strike no enquiry should be made? Sir, what I submit is this: I do not associate myself with any sweeping condemnation, but I know that there are cases in which there have been causes of grievance, and when there is such an occasion it would be an entirely incorrect attitude of Government to take up to stand up in defence all at once without an enquiry. On the contrary, Government would be best advised to make prompt enquiries and to leave no opportunity for the impression that the inmates of the jail are not being well treated. That impression might easily become disastrous, and no amount of statements subsequently made would carry exactly the same conviction in the minds of the people that an exhaustive enquiry and report would. It is of very great importance that the people should be satisfied that there is no grievance. I do not say that the grievances are well founded, but I say that there are grievances on the basis of which people have been starving themselves for three months. It is too late now to say: "You must give up hunger strike before an enquiry can be started." It is cruel, inhumane and it is not an essential requisite of jail discipline or any discipline whatever.

Rai Bahadur JOGESH CHANDRA SEN: Sir, this motion refers to the grievance of both ordinary and political prisoners. I speak on behalf of the ordinary Division III prisoners. There are, Sir, several inconveniences no doubt, but I would confine myself to one point, *i.e.*, supply of mustard oil to the ordinary convicts. I have tabled a cut motion to draw the Hon'ble Member's attention, but that is not likely to be taken up as guillotine is near at hand, so I take this opportunity of placing my views which is in keeping with the spirit of the resolution.

Sir, I do not want oil for oily heads. The Hon'ble Member is aware of the habit of the people of Bengal and other neighbouring provinces. It is well known to him that the people use oil before they take their bath—not at all for luxury but purely for health to save themselves from skin disease. To deny this is to torture these unfortunate convicts which the Government can never mean. The Hon'ble Member might

say that this would mean some expense and where it will come from, but this plea should never be raised as oil is as necessary as one's food. If you want, if the Government be so poor, if you can be so cruel, ask the convicts to fast for a half-day in a month in order to meet the expense of mustard oil. There is another alternative: Let them work extra hours and earn this cost. If we can properly organise, we can teach the prisoners various industries. This will not only augment the income from the jail by sale of goods manufactured by the convicts, but it would also be doing a humanitarian service by teaching them how to earn their own bread. The Visiting Board of the Alipore Central Jail has recommended that industrial training should be given and should be introduced in every jail. By this the convicts will be earning something and a part of this earning may be spent towards the purchase of oil. The last alternative is to allow the relations of the prisoners to supply oil.

I hope the Hon'ble Member will give a sympathetic consideration to my proposal of supplying oil to the ordinary prisoners. Let them not say "no" to every proposal, and let it be known that the Government has a soft heart to feel and it has a sentiment to which we can appeal.

The Hon'ble Mr. R. N. REID: I think the House is anxious to finish this discussion to-day, and I will be as brief as possible. The main discussion centred round the hunger strike and the reply given by me this afternoon in reply to a short-notice question. To defend the attacks particularly as regards hunger strike is perfectly simple from my point of view. Those, Sir, who are indulging in this hunger strike are Division III prisoners. They demanded certain privileges which do not appertain to Division III prisoners, but which are allowed to other classes of prisoners. They said that unless these privileges were allowed to them they would go on hunger strike. You cannot work a jail, you cannot have proper discipline in the jail if the Jail Superintendent is to be dictated to by the prisoners of whom he is in charge. That is why Government has regularly taken the line that if there is hunger strike on account of grievances, real or imaginary, no notice will be taken of those grievances and no enquiry will be made until that hunger strike is called off; and I think, if I remember aright, that was the attitude taken up by the late Sir C. C. Ghose when he was in charge of the Jail Department. There can be no question of the importance of the maintenance of discipline within a jail, and it is more important now than it was before, as there are at present detained in our jails a large number of desperate characters convicted of terrorist crime and crimes of similar nature. And the danger of a breakdown of discipline in a jail is very serious. I think the Khan

Bahadur from Rajshahi will remember the unpleasant time through which the people of Rajshahi had to pass in 1921 when 669 prisoners went out of the jail premises. There was considerable panic for a time in the town. That is an example of the sort of thing that will happen again if there is breakdown of discipline in a jail.

Mr. Banerji, Sir, referred in misleading terms to Maya Devi, a convict, whose condition was alleged to be due to solitary confinement in the Presidency Jail. Now, that is a case about which I know something, and I may say it is a very difficult case which has caused Government and the Jail authorities as well as the Medical authorities a considerable amount of worry and anxiety. She was convicted in an Arms Act case: she was known to be a dangerous terrorist: she was suffering from a form of hysteria which had all sorts of difficult and unpleasant results. In the Presidency Jail she was not kept in solitary confinement. She was kept in the female ward. It is not a dark dungeon or anything like that and she was allowed liberty within the female enclosures. When her condition became serious she was removed from there, in order to get the best possible treatment, to the Medical College. Her mother who was a detenu herself was allowed to go there to be on attendance on her. She was put in the Ezra Ward in the Medical College with special nurses and every possible attention was given. When she recovered she was sent back to the Presidency Jail and she is still there, I think, at the present moment. I deprecate any suggestion that her condition was due to ill-treatment and solitary confinement in the Presidency Jail. Nothing of the sort.

Sir, Mr. Majid Baksh made two points which I shall certainly take notice of. He said that as a visitor of the District Jail at Jessore he found Division II prisoners were kept in solitary confinement for 24 hours. He did, however, qualify his statement by saying that the prisoners were taken out for an hour or so every day. Well, I presume that he, being a Jail Visitor, must have recorded his remarks in the Visitors' Book and these remarks will certainly come up to me in due course, and I will certainly enquire as to the facts.

Sir, a great deal has been said to-day in rather a misleading way on the question of solitary confinement and cellular accommodation; and we had a very well-balanced reply given by the Rai Bahadur, which gave us the other side of the picture. He mentioned one of the very sad cases of which the revolutionary movement of Bengal has given us so many instances. It is of a young boy who was seduced from decent life by some revolutionary rascal and eventually brought into a position where he was found with arms in his possession; and he was convicted therefor. I knew something about the case and as I well remember, he was given a light sentence at the suggestion of the prosecuting officer. The fact, however, remains that he got the sentence

and he is in jail. He has got to expiate his crime. As the Rai Bahadur has said, there is the danger of such young men being contaminated by association with worse and hardened criminals in jail. This brings me, Sir, to one of the difficulties in regard to our jail accommodation. When I say this, I shall perhaps be accused of wanting to fill our jails with facilities for solitary confinement. But what I want to say is that we have not got half enough cellular accommodation in our jails in Bengal. The House will have noticed that we are trying to remedy this to some extent next year by providing in the Budget funds for the erection of cellular accommodation in the Midnapore Central Jail and, I think, also in the Alipore Central Jail. It is a most valuable thing to have cellular accommodation in order that you may be able to segregate young men, like those to whom the Rai Bahadur referred, from hardened criminals when required. In this matter of cellular accommodation there is no question that our jails in India—and Bengal is not the only offender in this respect—lag far behind modern jail theory and practice. We have, in India, these big association wards which do give opportunities to persons, who are themselves not very hardened criminals, to be corrupted by the more hardened criminals. Here, again, it is a matter of funds.

There remains the question of the supply of mosquito-nets, to which certain hon'ble members have referred. Well, Sir, if I remember aright, the late Sir P. C. Mitter went into this question very fully about two years ago. The position was that certain experiments were made as to the possibility of supplying mosquito-nets to our jails between the years 1928 and 1931. Experiments were made with nets at the Pabna District Jail and elsewhere; but it was decided in the end not to proceed with the scheme for certain reasons. One of the reasons was the question of expenses involved—it involves an initial cost of Rs. 60,000 and a recurring cost of Rs. 30,000 annually. Well, Sir, this is an amount of expenditure which, I think, makes one think a great deal before incurring it in this time of financial stringency. The practical difficulty in regard to the supply of mosquito-nets inside the jail is that it is evident that these will impede ventilation and might facilitate jail offences. My friend, Mr. Majid Baksh, suggested that we should have wire-netting around the wards as a substitute for mosquito-nets. But I am pretty sure that if he and I myself were inmates of jail we would strongly object to having the air stopped out. Anyway, it is a fact, as Mr. Ross has pointed out and he is quite correct, when he said, that the Superintendent of the Alipore Central Jail had no objection to the relatives of Division III prisoners supplying mosquito-nets under proper safeguards. The position as regards Division I and Division II prisoners is that mosquito-nets are supplied to them.

Sir, the time is getting late and it is time that we should adjourn for the day. I think, therefore, that I had better bring my remarks on this cut motion which I oppose to an end.

The motion of Mr. P. Banerji was then put and lost.

Adjournment.

The Council was then adjourned till 10-30 a.m. on Saturday, the 23rd March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Saturday, the 23rd March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 94 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Interest on arrears of revenue.

***83. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the Government are realising interest or penalty at the rate of 7 to 8 per cent. in case of arrears of revenue?

(*b*) Is it a fact that no court of law allows interest on decrees in rent suits at more than 6 per cent. per annum though section 67 of the Bengal Tenancy Act fixes the limit at 12½ per cent. per annum?

(*c*) If the answer to (*b*) is in the affirmative, is the Hon'ble Member considering the question of the rate of interest for arrears of revenue, with a view to fix the same at the general rate allowed by courts, viz., at 6 per cent. per annum and thus to do away with the anomaly of the rate prevalent for arrears of revenue and of rent?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) and (*b*) Yes.

(*c*) Government have already decided to reduce interest on arrears of land revenue to 6 per cent. from the next *kist*. There is, however, a little technical difficulty which can be easily overcome and for the purpose I have a Bill ready which will be introduced at the earliest opportunity.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: With reference to answer (*c*), will the Hon'ble Member be pleased to say what he means by the words "next *kist*?"

The Hon'ble Sir BROJENDRA LAL MITTER: It will be the next land revenue *kist*.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: With reference to what the Hon'ble Member has just said, I must offer my sincere thanks to him on behalf of myself as also on behalf of the landholders. We appreciate his fairness of mind.

Murder cases in Siddipasa Union, Jessore.

***84. Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that in the Siddipasa Union in police-station Abhoynagar (Jessore) murders are frequently committed, but the perpetrators often go unpunished;

(*ii*) that Ismail Sardar of Dhulgram, Dedumolla, Tarak Das and Biswanath Mitra of Siddipasa were successively murdered and information of these murders were duly lodged with the police;

(*iii*) that the real culprits in those murders had managed to escape;

(*iv*) that the persons who had been sent up for trial were ultimately acquitted as wrongly sent up; and

(*v*) that there is a feeling amongst the people of the locality about the incompetency of the local police?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Member considering it desirable that effective steps should be taken correctly to detect the crimes and have the miscreants punished?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*) During the last three years, only one case of murder has been reported.

(*ii*) The first is a case of 1927; the second and third are cases of 1931; the fourth is a case of 1933.

(*iii*) and (*iv*) The cases failed for want of sufficient evidence.

(*v*) Government are not aware of any such feeling.

(*b*) This is always considered desirable.

Jessore municipal trenching ground.

*85. **Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the municipal trenching ground at Jessore is situated in the heart of the town of Jessore and within the municipality;

(*ii*) that there are a large number of human habitations and residences of respectable gentlemen very near the trenching ground;

(*iii*) that during the hot season the stench from decomposing matter and night-soil becomes unbearable and flies become so great in number that it becomes almost impossible to live there; and

(*iv*) that repeated representations were made to the municipality without any effect?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking steps immediately for the removal of the trenching ground before the hot season sets in?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) No, it is not in the heart of the town.

(*ii*) Two houses have been constructed recently about 200 yards to the west of the trenching ground; on the other three sides there is no dwelling house within a quarter of a mile.

(*iii*) No complaints to this effect have come to the notice of Government hitherto.

(*iv*) The municipality has received some representations which are under their consideration.

(*b*) No.

Transfer of officers.

*86. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether on an average during the last three years more I. C. S. officers have been under orders of transfer than was formerly the case?

(*b*) If the answer to (*a*) is in the affirmative, what are the special reasons for such transfer?

(*c*) Is it not a fact that travelling allowances are to be paid to such officers?

(*d*) What is the scale of such travelling allowances?

(*e*) Are the Government considering the desirability of taking necessary steps for avoiding transfers which are not indispensable in the interests of the administration?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Government have no reason to believe that this is the case.

(*b*) Does not arise.

(*c*) Yes.

(*d*) The member is referred to the Fundamental and Subsidiary rules.

(*e*) Government invariably bear this principle in mind when ordering transfers.

Mental Hospitals at Kanke, Ranchi.

***87. Mr. S. M. BOSE:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) what is the total cost of running the two Mental Hospitals at Kanke, Ranchi, each year for the last two years ending March, 1934;

(*ii*) the amounts contributed in each of these years by the Government of Bengal towards such cost and those by other Governments;

(*iii*) the number of members appointed by the Government of Bengal to the managing committees of the European and Indian Mental Hospitals respectively and by the other Governments;

(*iv*) what is the total number of inmates in the two hospitals, and the total number coming from Bengal?

(*b*) Is it not a fact that a very large proportion of the inmates in the Indian Hospital come from Bengal?

(*c*) What is the number of the Bengali members of the superior establishment of the Indian Mental Hospital as compared to the total number?

(*d*) Is the Hon'ble Minister aware that the large majority of the female inmates of the Indian Hospital are Bengali-speaking?

(*e*) Is it a fact that the matron in charge of the female inmates is a non-Bengali unacquainted with Bengali?

(*f*) Are the Government considering the desirability of taking steps to nominate—

(*i*) the majority of the members of the managing committee of the two hospitals; and

(*ii*) the Superintendent of both the hospitals?

— The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) (i) and (ii) A statement is laid on the table.

(iii) The members of the managing committee of the European Mental Hospital are not appointed by any of the local Governments but are elected by the Board of Trustees for the hospital in accordance with rules framed by the Board under section 17 (a) of the Ranchi Mental Hospital Act, 1922. The managing committee of the Indian Mental Hospital consists of 13 members, 8 of whom are nominated by the Government of Bengal and 5, including the Chairman, by the Government of Bihar and Orissa.

(iv) A statement is laid on the table.

Sir, here is a mistake in the statement in the column—"Number of Bengali patients" with regard to Ranchi European Mental Hospital; it should be "patients from Bengal."

(b) Three-fourths of the total accommodation in the Indian Mental Hospital is reserved for patients from Bengal. On the 31st December, 1934, out of a total of 1,283 patients 959 were from Bengal.

(c) The total strength of the superior establishment is 31; 15 are Bengalis.

(d) Out of 241 female patients in the hospital approximately three-fourths were Bengali-speaking.

(e) The present matron is a non-Bengali and is not fully conversant with the Bengali language.

(f) (i) and (ii) As regards the managing committee of the European Mental Hospital, the member is referred to the answer to (a) (iii). The Superintendent of the European Mental Hospital is appointed by the Government of Bihar and Orissa under section 2 (e) and (f) of the Ranchi Mental Hospital Act, 1922.

The position with regard to the Indian Mental Hospital is as follows:—

Ranchi being within the province of Bihar and Orissa, the power to appoint the managing committee as well as the Superintendent is, under the Indian Lunacy Act, 1912, vested in the Government of Bihar and Orissa. In exercise of the above power the Bihar and Orissa Government have framed rules providing for the nomination by the Government of Bengal of 8 out of the 13 members of the managing committee of the Indian Mental Hospital.

Statement referred to in the reply to starred question No. 87 (a) (i), (ii) and (iv).

(i) Total cost of running the two hospitals during 1933-34 and 1932-33:—

	1933-34.	1932-33.
	Rs.	Rs.
Ranchi European Mental Hospital ..	3,12,645	3,34,208
Ranchi Indian Mental Hospital ..	4,25,178	4,38,095

(ii)— Amounts contributed by—	1933-34. Rs.	1932-33. Rs.
Government of Bengal towards—		
Ranchi European Mental Hospital	.. 1,82,065	1,92,144
Ranchi Indian Mental Hospital	.. 3,25,522	3,34,223
Other Governments towards*—		
Ranchi European Mental Hospital	.. 1,30,580	1,42,064
Ranchi Indian Mental Hospital	.. 99,656	1,03,872

(iv)—	Total No. of patients.	No. of patients from Bengal.
Ranchi European Mental Hospital§	.. 260	147
Ranchi Indian Mental Hospital†	.. 1,283	959

Mr. S. M. BOSE: With reference to answer (*a*) (*iii*), having regard to the fact that the Government of Bengal contribute Rs. 3,25,000 out of Rs. 4,25,000, will the Hon'ble Minister be pleased to state whether it is not desirable that the President of the managing committee of the Indian Mental Hospital should be appointed or nominated by the Government of Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the appointment of the President is arranged under the Rules framed under the Act; so, the Government of Bengal is powerless.

Mr. S. M. BOSE: Has the Government of Bengal made any representation to the Government of Bihar and Orissa on this point?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Before the Government of Bihar and Orissa framed the rules under the Act, they consulted this Government, and we accepted the rules.

Mr. S. M. BOSE: As regards (*e*), will the Government of Bengal be pleased to represent the necessity of a Bengali-speaking matron being placed in charge?

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* "Other Governments" when used in connection with Ranchi Indian Mental Hospital means Bihar and Orissa Government.

§ Figures are for 1933-34.

† Figures are as on 31st December, 1934.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir; Government will be pleased to bring the matter to the notice of the Government of Bihar and Orissa, but presumably Bengali-speaking matron was not available.

Officers found guilty of taking illegal gratifications.

*88. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing for the last five years—

(*i*) the names with designations of all officers in Bengal as were detected making extortions or taking illegal gratifications; and

(*ii*) the names of those with designations found guilty of such crimes by a commission of inquiry appointed by the Government?

(*b*) Is it a fact—

(*i*) that all the officers referred to in (*a*)(*ii*) were let off with mere dismissal from their services; and

(*ii*) that in some cases an amount of pension even has been granted?

(*c*) If the answer to (*b*) is in the affirmative, what are the reasons for the said actions of Government?

(*d*) Were any officers gazetted or non-gazetted found guilty of such crimes by a commission of inquiry or otherwise within the last five years committed to the criminal courts to take their trials under the Indian Penal Code?

(*e*) If the answer to (*d*) is in the affirmative, who were so committed?

(*f*) Are any cases of inquiry by a commission or tribunal pending before Government in respect of any gazetted officers charged with the said crimes?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the nature of offences with which they are charged; and

(*ii*) the names and designations of the officers concerned?

*The Hon'ble Mr. R. N. REID: (*a*)(*i*) and (*ii*) Two statements "A" and "B" are placed on the table. (This *excludes* Police Constables and Jail Warders.) As the persons concerned have suffered appropriate punishment for their delinquencies it is considered that publication of their names at this date would be unfair.

(*b*)(*i*) and (*ii*) Two officers were dismissed and one removed from service. No pension or allowance was given to the dismissed officers. The officer removed from service was granted a compassionate allowance.

(*c*) The grant of compassionate allowance to an officer removed from service is admissible under the Rules and there were circumstances in the case which made such an allowance justifiable.

(*d*) and (*e*) Eleven officers were tried by criminal courts.

(*f*) No.

(*g*) Does not arise.

A—Statement referred to in the reply to starred question No. 88 (a) (i), showing the designations of officers found guilty of making extortions or taking illegal gratifications.

1.	Magistrate and Collector	1
2.	Superintendent of Police	1
3.	Deputy Magistrate and Deputy Collector ..	1
4.	Sub-Deputy Collectors	2
5.	Sub-inspectors and assistant sub-inspectors of the Bengal Police.	13
6.	Head constables of the Bengal Police ..	2
7.	Sergeant, Bengal Police	1
8.	Assistant sub-inspectors of the Calcutta Police ..	2
9.	Head constables of the Calcutta Police ..	2
10.	Sergeants of the Calcutta Police	2
11.	Petty Officer, Excise Department	1
12.	Peon, Excise Department	1
13.	Sub-Registrars	2
14.	Overseer, Forest Department	1
15.	Foresters	2
16.	Forest Guards	9
17.	Kanungo	1
18.	Collectorate sheristadar	1
19.	Clerks, etc., in the Collectorate	14
20.	Sub-Tahsildar, Khas Mahals	1

B—Statement referred to in the reply to starred question No. 88 (a) (ii), showing designations of officers found guilty by Commissions of Enquiry of making extortions or taking illegal gratifications.

1.	Magistrate and Collector	1
2.	Superintendent of Police	1
3.	Deputy Magistrate and Deputy Collector ..	1

* **Mr. MUKUNDA BEHARY MULLICK:** Will the Hon'ble Member be pleased to state, with reference to answer (*a*) (*i*) and (*ii*), whether it is a fact that the names of these eleven officers are published in the Half-yearly Civil List, issued by the Government of Bengal?

The Hon'ble Mr. R. N. REID: Not all; but the names of persons who are gazetted officers are shown at the end of the Civil List under dismissals, resignations, and so on.

Mr. MUKUNDA BEHARY MULLICK: With reference to answer (*c*), will the Hon'ble Member be pleased to state what were the circumstances that induced the Government to make a compassionate allowance in favour of this officer?

The Hon'ble Mr. R. N. REID: There were extenuating circumstances which made the grant of such an allowance desirable.

Mr. MUKUNDA BEHARY MULLICK: With reference to answer (*f*), will the Hon'ble Member be pleased to state whether any enquiry was made at all into the conduct of these eleven officers?

The Hon'ble Mr. R. N. REID: As far as I can make out, Sir, the hon'ble member is referring to the case of the eleven officers tried by the criminal courts; before the prosecution was sanctioned, it is obvious that some enquiry was made.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Settlement of the ferries in Mymensingh.

45. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) when was the last ferry settlement made by the District Board, Mymensingh, with Rai Bahadur Chhatrapati Singh, and

(*ii*) for how many years and when and by whom the previous settlement was made?

(*b*) What was the usual period of settlement of the ferries in Mymensingh, both Government and district board, before the two periods mentioned in (*a*)?

(*c*) If the period of settlement referred to in (*a*) was longer than the period referred to in (*b*), what were the reasons for the longer period settlement?

(*d*) Was the longer period approved by the Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a)(i) 31st May, 1929.

(ii) Three ferries, viz., "Sadar," "Netrokona" and "Jamalpur" which, at that time, were Government ferries, managed by the Collector, were settled by the then Collector, Mr. W. S. Hopkyns, in 1919 for ten years. In 1927 they were transferred to the Mymensingh District Board for management.

In 1923, thirty smaller ferries were settled by the district board with Rai Bahadur Chhatrapati Singh for 8 years.

(b) Three years.

(c) It is reported that the district board decided to make a longer period of settlement with Rai Bahadur Chhatrapati Singh on the following considerations:—

(1) All the boats supplied by the district board became unserviceable in 1929. Their replacement would have involved an expenditure of nearly Rs. 50,000 which was beyond the resource of the board at the time.

(2) The Rai Bahadur offered to maintain the boats and approach roads to the ferries at his own cost provided that a long-term settlement was made with him by the board.

(3) The Rai Bahadur was a reliable ferry farmer who had never defaulted in payment and was known to be solvent.

(d) No. The settlement of ferries made by the district boards is not subject to the approval of the local Government under section 9 of the Bengal Ferries Act, 1885.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMANDS FOR GRANTS.

25—Jails and Convict Settlements.

(The Council then resumed the discussion on "25—Jails and Convict Settlements.")

Babu KHETTER MOHAN RAY: Sir, I beg to move that the demand of Rs. 13,000 under the head "25A—Jails—District Jails—Contingencies—Petty construction and repairs" be reduced by Rs. 100, to discuss the question of the construction of a dining shed in the Comilla Jail.

Sir, there is no dining shed or house for the prisoners in the Comilla Jail. Prisoners generally take their meals on a platform which is uncovered, and they are exposed to the sun and the rains. This system of affairs has been brought to the notice of the authorities,

but up to this time the authorities have taken no steps whatsoever for providing the jail with a dining shed. As a visitor to this jail, I pressed this point upon the Government, and every time we pressed for it, the only reply was that there was the financial difficulty. Sir, the dining shed will not cost much; a corrugated shed will not cost more than Rs. 5,000. I hope the Government will provide a dining shed for the prisoners in the Comilla Jail. With these words, Sir, I move my motion.

The Hon'ble Mr. R. N. REID: Sir, all I have to say in reply to this motion of Babu Khetter Mohan Ray is that it is recognised that the facts are correct, and an estimate amounting to Rs. 8,000 has been prepared for this project and is awaiting funds. It has to compete with numerous other urgent and necessary works for allotment of funds, and until funds are available, I am afraid the dining shed cannot be constructed, but I assure the mover that it has not been lost sight of.

Babu KHETTER MOHAN RAY: Sir, from what has fallen from the Hon'ble Member, I beg leave of the House to withdraw my motion.

The motion was, by leave of the House, withdrawn.

Khan Bahadur A. F. M. ABDUR-RAHMAN: Mr. President, Sir, I beg to move that the demand of Rs. 3,26,000 under the head "25—Jails—Subsidiary Jails" be reduced by Rs. 100.

Sir, the object of this cut motion is to bring to the notice of the Hon'ble Member about the overcrowding of population at the Basirhat Sub-Jail and also the impending necessity of its extension.

Sir, the present authorised total maximum capacity of this jail is only 18 males and three females. Sir, I give here a yearly figure of population in this jail from 1930 to 1934 to show the extent of overcrowding. In the year 1930 the number of under-trial prisoners were 26·28 and convicts 3·63. In the year 1931 the number of under-trial prisoners were 18·42 and convicts 5·96. In the year 1932 the number of under-trial prisoners were 18·49 and convicts 7·19. In the year 1933 the number of under-trial prisoners were 31·59 and convicts 6·59. In the year 1934 up to September the number of under-trial prisoners were 48·66 and with regard to convicts I cannot give the exact figure here.

I am sure that the Hon'ble Member will be surprised to know that on the 25th of September last the maximum population of this jail reached was 91. By these comparative figures I think, Sir, it can be well understood—the excessive overcrowding at this sub-jail. For

these crowded populations there are only two service privies—one for the males, and the other for the females. It can, therefore, be well imagined how extremely difficult it is to cope with the conservancy work.

Sir, the question of this overcrowding of population has been brought to the notice of the Inspector-General of Prisons, both by local officials and also by the non-official visitors of the jail, since the year 1921 and nothing has yet been done to relieve the overcrowding.

I submit, Sir, that the Hon'ble Member will very kindly look into the whole matter and do the needful as early as possible to remove the grievances of the Basirhat Sub-Jail.

The Hon'ble Mr. R. N. REID: Sir, the answer to this motion is similar to that which I gave to Babu Khetter Mohan Ray just now, as regards the Comilla dining shed. The fact is that it is recognised that an extension of the Bashirhat Sub-Jail is extremely desirable from the point of view of jail administration, and a scheme has been administratively approved, and the cost has been estimated at Rs. 46,000. This estimate was prepared some time ago, and it is now being revised, but unfortunately at the present moment there is not very much chance of funds being allotted. We should very much like to be able to spend Rs. 46,000 in order to relieve the want of accommodation there. The mover of the motion has mentioned very large figures showing overcrowding up to 25th September last year. That, of course, was temporary, and does not always happen; but it is a thing which we should of course like to avoid by the addition of extra accommodation. I would request the mover of the motion to withdraw his motion on the assurance that the thing has not escaped the notice of Government, and that we are ready to spend the money and extend the jail if funds permit.

Khan Bahadur A. F. M. ABDUR-RAHMAN: In view of the assurance given by the Hon'ble Member, I beg leave of the House to withdraw the motion.

The motion was, by leave of the House, withdrawn.

Babu SUK LAL NAG: Sir, I beg to move that the demand of Rs. 3,26,000 (voted) under the head "25A—Jails—Subsidiary Jails" be reduced by Rs. 100 to discuss the question of the accommodation of prisoners in the Bagerhat Sub-Jail.

Sir, there is scarcely any accommodation for prisoners in the Bagerhat Sub-Jail in the district of Khulna. The number of prisoners in the Bagerhat Sub-Jail is sometimes double, and sometimes triple, the number the jail can accommodate. We drew the attention of

the authorities for the last two or three years in the proceedings of the quarterly conference of jail visitors, but to no effect. The prisoners suffer most for want of proper accommodation, and they have to pass sleepless nights sitting. It is highly regrettable that the jail authorities disregard the repeated remarks of the jail visitors in a matter so important.

The Hon'ble Mr. R. N. REID: Like the last two cut motions, the answer is the same, I am afraid. I think it was Babu Suk Lal Nag who wrote to the late Sir Provash Chunder Mitter a couple of years ago on the same subject. That letter was sent on to the proper quarters, and the overcrowding was mitigated by the temporary expedient of removing prisoners from that jail to other jails. In this case, I am not in a position to say that a scheme has been prepared or administratively approved, simply because such schemes as these have to take their chance, and the more urgent have to be considered first. There are schemes which are really more urgent than the case of the Bagerhat Sub-Jail, but the moment there will be any likelihood of funds being available, we shall certainly draw up a scheme to relieve overcrowding in the Bagerhat Sub-Jail. I request that the mover will withdraw his motion.

Babu SUK LAL NAG: Sir, in view of the assurance given by the Hon'ble Member, I beg leave of the House to withdraw my motion.

The motion was, by leave of the House, withdrawn.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 5,52,000 under the head "25A—Jails—Charges on account of persons detained outside Bengal under the Bengal Criminal Law Amendment Act, 1934" be refused.

Sir, this amendment raises questions of great importance and of principle. Members of this House are aware that during the last few years, the Government of Bengal has been transferring prisoners outside the province of Bengal rather to places where no supervision of the treatment of the prisoners can be had, no visits can be easily made by the relations of the prisoners, no information even of the serious illness in some cases and of death of prisoners in several cases, is given to the relations, and where on the board of visitors not a single Bengali is included. Sir, we can quite understand the desirability of segregating prisoners whom Government think to be dangerous and to be such as should not be allowed to mix with the ordinary prisoners. But, I submit Sir, with confidence, that there is absolutely no reason why there cannot be a place in Bengal where these prisoners can be kept, and where the food and the other amenities of life to which the Bengalis are used to would be available, and which would be under the supervision of Bengali visitors. By transferring these prisoners thousands of miles

away, Government is really doing something which, though within the strict letter of the law, is, I submit, not in accordance with the spirit of the law. They are really transporting prisoners sentenced to rigorous imprisonment, and, Sir, the whole policy of transferring prisoners is one that has never been placed before the House, either in its standing committee or before the whole Council. I submit, Sir, the question is one of very great importance and ought to be properly considered.

Mr. SHANTI SHEKHARESWAR RAY: Sir, last year we pressed on the Government the desirability of abolishing these detention camps outside Bengal, but our appeal has been ineffective. To-day, I would only draw attention to one point, and that is to the danger from the administrative point of view in following this policy of keeping these prisoners outside Bengal. Sir, some years ago, when I was at Puri, the Sanitary Commissioner showed me a map showing the progress of an epidemic of cholera after the Car festival at Puri. In that chart, I found that after the Car festival, cholera spread from Puri right up to places in Northern India, and I would like to draw the attention of the Government to a similar danger in sending these prisoners, whom Government consider to be dangerous, to a place outside Bengal like Deoli. Sir, what will happen is this, that within a few years Government will find that this terrorism and terrorist activities will spread from Bengal right into distant places in Northern India. They will find that all along the railway lines in important towns there will be centres of terrorism, and terrorism will spread from here to other parts of the country. Sir, that is a danger which should prevail upon the Government of Bengal to abandon this foolish policy.

The Hon'ble Mr. R. N. REID: Sir, I have a few minutes left to speak, but I would first like to say that it is interesting to observe that Mr. Shanti Shekhareswar Ray admits by implication that these men whom we send out of Bengal to Deoli are terrorists and are anxious to spread their foul doctrine throughout India——

Mr. SHANTI SHEKHARESWAR RAY: On a point of personal explanation, Sir. I was only trying to show that if from the Government point of view they considered them to be terrorists, and if they are considered to be dangerous, it was foolish to send them out of Bengal.

The Hon'ble Mr. R. N. REID: Sir, I only said that the hon'ble member admitted by implication, and I did not say that he actually admitted. Sir, the policy undertaken by Government a few years ago was to segregate the most dangerous terrorists right away from Bengal, because we have had the experience during the years 1930-31 that throughout the province they were still active and were by various

surreptitious means sending out messages to their associations in the province, were aiding and recruiting and were actually organising outrages. It was, therefore, decided with the sanction of the Government of India to organise these places outside India where these men can be kept. Since they have been sent there, the situation has improved, and I think we can claim that that policy is, to that extent, justified. I hope, the time will come sooner or later when it will be possible to close that place. I beg to oppose the motion.

Mr. Narendra Kumar Basu's motion being put, a division was taken with the following result:—

AYES.

Bakshi, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Choudhury, Maulvi Nurul Absar.
Maiti, Mr. R.
Poddar, Mr. Ananda Mohan.
Rai Mahasai, Manindra Deb.
Ray, Mr. Shanti Shekhareswar.
Raut, Babu Nagendra.
Sen Gupta, Dr. Kanoik Chandra.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Benjamin, Mr. H. D.
Blandy, Mr. E. A.
Chanda, Mr. Aparna Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Das, Babu Guruprasad.
Dutt, Mr. S. S.
Faroqui, the Hon'ble Nawab K. A. M., Khan Bahadur.
Fergusson, Mr. R. H.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul
Hodge, Mr. J. D. V.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Maguire, Mr. L. T.
Martin, Mr. O. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mahanda Sahay.
Nag, Babu Sah Lal.
Nazimuddin, the Hon'ble Khwaja Sir.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur A. F. M. Abdur.
Ray, Babu Amulyadhan.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijay Prasad Singh.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray Choudhuri, Babu Ram Chandra.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. K.
Shah, Maulvi Abdul Hamid.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Sir John.

The Ayes being 10 and the Noes 49, the motion was lost.

The original motion of the Hon'ble Mr. R. N. Reid under head "25—Jails and Convict Settlements" was then put and agreed to.

26—Police.

The Hon'ble Mr. R. N. REID: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 2,11,63,000 be granted for expenditure under the head "26—Police."

The main feature of this demand—I do not allude to it as a matter of satisfaction but as a matter of fact which did not escape attention during the general debate on the budget—is the further increase of provision for expenditure as compared with the budget estimate of last year and as compared with the revised estimate for the year 1934-35. It is asked, and asked with reason, why, when the situation has improved, we still demand these very large sums. It has been pointed out that the budget estimate for 1935-36—I am referring to the total estimate—is Rs. 2,29,93,000 against the revised estimate for 1934-35 of Rs. 2,25,55,000 and the budget estimate for 1934-35 of Rs. 2,22,71,000. I am putting the figures at the highest. In the first place I want to make it clear that Government are not at the present moment making any increased demand or increasing the establishment of what may be called their permanent force. We have, in fact, in the light of the Retrenchment Committee's proposals and on our own initiative gone into the matter of police expenditure with considerable care during the last two or three years and have effected considerable retrenchments. Actually the number of the permanent police force in Bengal in 1934 as compared with 1929 was less. In 1929 the strength of the Bengal Police was 24,620; in 1934 it was 24,035, and the Calcutta Police was slightly smaller than they were in 1929. As a result of the examination of the expenditure on police with a view to retrenchment considerable reductions were made of the permanent force. I may mention only a few of the biggest ones in which there has been a saving. There will be an eventual saving on the River Police of Rs. 1,05,000, on the Railway Police of Rs. 1,30,000, Rs. 18,000 on the criminal tribes staff, Rs. 40,000 on the District Detective Departments, Rs. 30,000 on the Calcutta Police uniform and Rs. 20,000 on Public Vehicles Department.

Mr. NARENDRA KUMAR BASU: After how many years?

The Hon'ble Mr. R. N. REID: They will take effect within the next year; some have already taken effect. I think this shows that Government are not unmindful of the necessity of making reductions were such reductions are possible. It is because in their considered opinion reductions are not possible in certain directions that the expenditure has gone up in those directions. It is in the direction of the means to combat terrorism that the increase has occurred, that is to say in what may be called the abnormal portion of the police budget. That abnormal expenditure was estimated last year at a total sum of Rs. 22,12,000. Actually the actuals will, as far as I can make out, probably come up to the formidable sum of Rs. 28¾ lakhs. That is a very big sum, but it is, I maintain, an abnormal sum, and I think we get a more reasonable estimate of the position if we deducted that sum of Rs. 28¾ lakhs from

the revised estimate and see what the result was. The revised estimate was Rs. 2,25,55,000 and if we subtract these abnormal figures from that, we get a more reasonable sum of just under Rs. 2 crores.

Then let us take the figure of Rs. 7,21,000 by which the budget estimate for 1935-36 exceeds the actuals for 1933-34. We have not got the actuals for 1934-35, otherwise we could have a more reasonable picture. Rs. 2,83,000 is the amount by which the revised estimate exceeded the budget estimate for 1934-35 and Rs. 4,38,000 is the remainder. The first sum, namely, Rs. 2,83,000 which is shown in the current year's revised estimate by way of increase over the actuals of 1933-34, is composed of three things: the cost during the full year 1934-35 of increases sanctioned, but not entirely carried out, during 1933-34, the cost of additional temporary staff sanctioned from time to time during 1933-34, but which was not entertained for the whole of the year; and, thirdly, the normal increments of pay. The additional staff to which I have referred is practically entirely the Intelligence Branch staff. Then there is the remaining sum of Rs. 4,38,000 to which I referred a few minutes ago. Rs. 2,60,000 of that is accounted for by the restoration of the 5 per cent. cut and by the ordinary increments of pay and the remainder is accounted for by the fact that in the coming year will be felt the full effect of the various increases in temporary staff which were sanctioned in the year 1934-35. Apart from the restoration of the 5 per cent. cut and the normal increments of pay it will be seen that the heavy increased expenditure is entirely on account of the temporary force which we have had to engage for combating the terrorist movement. It is asked, Sir, and asked very pertinently, why do you want increases when this movement is on the wane? Well, Sir, I think we have to choose our words very carefully when we consider whether this terrorist movement is on the wane or not on the wane. It is perfectly true that, at the present moment, things outwardly at any rate are better and I am not going to attempt to induce the House to accept my argument by frightening them with what I have no doubt will be called bogies. Taking the statistics of terrorist crime we find that in 1932 there were 99 such crimes, in 1933 there were 42 and in 1934 I am glad to say there were only 14. Sir, when one looks back to the last 5 years and compares the general feeling then, one does realise how much things have improved and for that improvement we owe—and by "we" I may say that I do not mean Government but the country at large—we owe a deep debt of gratitude to our civil officers, the police officers and the troops who worked so loyally and so successfully in carrying out Government's policy. And Government—by Government I mean not only the departments that are concerned with law and order, and what our critics call the department of repression—but Government as a whole, can take credit to themselves that their policy of steady pressure has to this extent succeeded. So far so good, but, Sir, that is not all. We have attained a position of

superiority but the important point is that, once that position is attained we have got to maintain that position. The forces of disorder and revolution are still there, still ready to take advantage of any weakness or relaxation on our part and in the past year we have had two very sharp reminders of what they are capable of doing. Only last January there was that outrage in the cricket ground at Chittagong and in May there was that attempt, providentially unsuccessful, upon the life of His Excellency the Governor. Investigations into that attempted murder laid bare a deep and widespread and a well laid conspiracy, in which both men and women were concerned. It was a plot hatched by a particularly dangerous group, namely, the Bengal Volunteer group of the Sree Sangha, and that is a group which still gives us considerable anxiety and is still active. Then again, only last July we had a fresh situation, a situation which was fraught with dangerous possibilities, when those four under-trial prisoners escaped from the Alipore Central Jail. The fact that they were ready to escape, the fact that they attempted to escape, and did escape from what was supposed to be a safe place of custody shows the desperate nature of these men, and it also shows how dangerous it can be to the Administration if such things are allowed to happen. It will be remembered, Sir, that one of them was captured at once and the other was captured in December or January last year, not very far from Calcutta through the enterprise and zeal of a local thana officer to whom all credit is due. What I am trying to get at in this connection is that the moment these four men, the leaders of the Anushilan Party escaped, there was an immediate increase in activity among the members of that party. It was at once clear that unless they could be captured within a reasonable time we should be faced with a very difficult position. That possibility still persists, and as long as these two men are still at large we shall not be free from anxiety. The point that I really want to make is that the thing is still there, the seeds of trouble are still there and we cannot afford to relax our precautions. It may be said, however, that we concede all these, but why increase your expenditure like this? That, Sir, is not so very easy to answer. My answer is, however,—for what it is worth—and in the opinion of Government is worth a good deal—my answer is that if we are to pursue the advantage we have gained, if we are to inflict the maximum of damage upon our enemy—and the enemy is still active and still anxious to hit back on us—if we are to establish some measure of security for the future, we must not only carry on with our present precautions, carry on the expenditure we have had to incur up till now, but even increase it. It is expenditure which we believe is going to pay in the end, hard though it may be, to find the sum just now, but it is not going to pay to stint expenditure at the present moment. This expenditure, Sir, is a form of insurance; where the risks are great the premium must always be heavy and in this particular case the risks are very great and the premium too is proportionately severe.

Another point, a less general point, is that as time goes on we get to know more and more about this revolutionary conspiracy. It is a disheartening fact that the more we get to know about it the bigger we find it to be. And the more the information that we find it necessary to have, the more the number of men that we have got to employ to examine and sift this information. And this process goes on and on. We have got to make the fullest use of the advantage we have gained and if we were to stint the necessary expenditure we should be taking undue risks. That, I submit, is a thing which we could not do and which no Government is entitled to do. I submit that we are not going to consolidate our position, not going to achieve a reasonable measure of security if, the moment we achieve some success, we sit back and relax our efforts. We cannot afford to do that. If we do that, that is a policy which can only encourage the movement against which we are fighting. We are not going to repeat our old policy, which failed, of alternate action and inaction because the period of inaction is the period of which the revolutionaries take advantage and then a fresh plot breaks out and the whole thing is started all over again. Government is determined to show the enemy that that policy is not going to be repeated and it is our endeavour to lay the foundations of some measure of peace and security for the future. That, Sir, is my justification for making this increased demand for expenditure on the Intelligence Branch staff. It is a huge sum, and a sum which, without any sort of hypocrisy, I would rather not have come to this Council to ask. But there it is and I do not see any way out of it.

There is just one other point to which I would like to refer though it is not a matter which strictly comes under the head "expenditure on police," and that is that, side by side with what may be called police action against terrorists, our officers with the full approval of Government are doing all they can to take measures which are designed to make recruitment to the revolutionary ranks more difficult, and to make the youths of the country a less easy prey to the seductions of the revolutionaries; that kind of work has been going on for some time now in the various districts. I think I may say that it was really started in what is in the opinion of some people in the home of repression, namely, in Chittagong. Mr. Hands, the District Magistrate of Chittagong, ably assisted by the Sadar Subdivisional Officer, Mr. S. N. Roy, and many others, not excluding many military officers, have from the start always had in mind the necessity of trying to get back to normal conditions at the earliest possible moment and to that end he and his helpers have organised village committees to try and influence the youth of the villages. He is also taking a tremendous lot of trouble in the schools and colleges and in the villages generally to provide the boys and young men with some other outlet for their energies, something to fill up their spare time by way of games and other occupations, so as to make

them less easy victims to the emissaries of revolution. There is an old adage that "Satan finds some mischief still for idle hands to do." All these officers of ours in the districts are trying to provide some means whereby there should be no idle hands for Satan to find. And it is not only our own officers, but the officers of the Education Department and the Calcutta University too are helping us in this respect. They realise how important it is to try and prevent the youths of to-day from going wrong, and that is a matter which Government have as much at heart as anybody else. That is a matter which Government has very much at heart. It has been successful in some districts: Chittagong has attained a great deal of success and a lot has been done in Tippera and other districts; and all Government officers know that that is the policy of Government and that we are very anxious that this sort of work should go on side by side with that other police work which has to be done and cannot be avoided.

I do not think I need detain the House any longer. I have endeavoured as far as possible to explain why Government feel compelled to come to this House with large demands in the Police Budget the bulk of which large demands is necessitated solely by the need for combating terrorism. So long as that menace remains we must carry on with the present high expenditure on police work. The menace is not so serious now as it was; we all recognise that. But it is still there and we cannot relax our efforts.

Mr. PRESIDENT: If it does not cause any inconvenience either to Mr. Basu or to the Hon'ble Home Member, I think we may take up motions Nos. 390, 391 and 392 together as that will save a lot of time.

MOTIONS FOR REDUCTION OR REFUSAL.

Mr. NARENDRA KUMAR BASU: I beg to move—

That the demand of Rs. 19,000 under the head "26—Presidency Police—Superintendence—Temporary officers" be refused.

That the demand of Rs. 31,500 under the head "26A—Presidency Office—Superintendence—Pay of Establishment—Temporary Establishment" be refused.

That the demand of Rs. 2,16,000 under the head "26A—Presidency Police—Calcutta Police—Pay of Establishment—Temporary Force" be refused.

Sir, in placing these motions before the House I must first express my sense of gratification at the last remark made by the Hon'ble Mr. Reid that the Government have adopted the policy of trying to remove unemployment from the ranks of the young men so that there may not be idle hands for Satan to find mischief for. Sir, with regard to the enormous budget the undesirability of which is admitted by Mr. Reid, my submission would be that the explanation attempted to be given by Mr. Reid about the continuance and in fact increase of the temporary

establishment, if I may say so, is not at all convincing. As a matter of fact, I think Mr. Reid feels that answer is not only not cogent but is inconsistent in parts. He seems to say in one part of the statement, if I understood him right, that there has been an improvement in the situation but the important point is that "we the Government have to maintain that position and that therefore a large number of temporary men are necessary." He also seems to say that we cannot afford to relax our efforts and therefore the maintenance of these temporary men is necessary. He has paid a tribute to the Intelligence Branch of the department—a Branch in which there is a large number of temporary men employed. Without attempting in any way to detract from the merits of the temporary men or even the permanent men in the Intelligence Branch, may I draw the attention of the House to the three instances given by Mr. Reid, namely, the outrage at the Chittagong football ground, the Lebong outrage and the escape of the undertrial prisoners? So far as the third one is concerned it may be laid aside for the moment as the escape was from the jail and not from police custody. So far as the Lebong outrage and the outrage in the Chittagong play-ground are concerned, I submit that if anything, at least the Lebong outrage distinctly and the other, by implication, shows that the police and that the establishment, permanent and otherwse, is hopelessly inefficient.

Sir, we have been spending huge sums of money on police: we have been granting huge sums as supplementary estimates to the police and for other temporary officers and the result is that the person of even His Excellency the Governor cannot be preserved by these police officers inviolate from attacks. The results of the trial in the High Court have shown that there was a deep-laid conspiracy between Dacca, Calcutta and other places, that this conspiracy has been going on for a long time. We have a very extravagantly paid police, a very extravagantly paid Intelligence Branch and we have, I doubt not, a number of informers and spies. But this attack on His Excellency was not averted. In answer to a question that I put in this Council the Hon'ble the Home Member was pleased to say that the police were not to blame. Of course not. How can they be blamed? Their duty is not to prevent offences in this country, be they the Intelligence Branch or the ordinary police. Their duty is after the crime has been committed to harass the innocent and the guilty indiscriminately. My submission is that the spending of so much money over these inefficient people, I do not know whether the people who were in Darjeeling in charge of the Intelligence Branch, or the people who were in charge in the district where the conspiracies were being held—whether they were permanent or temporary—do not demonstrate that they are doing their duty. Talking of the Intelligence Branch may I ask the Hon'ble Member to tell the House whether it did not come out during the trial

of the Chittagong armoury raid case that three days before that armoury raid took place the ordinary police, a Sub-Inspector in charge of the Kotwali thana, made a report to the Superintendent of Police that a raid was being arranged, but the Intelligence Branch pooh-poohed the idea and would not let the Superintendent to take ordinary precautions, and the raid did take place. I would ask Mr. Reid to say whether or not that came out during the trial. The ordinary police and the Intelligence Branch did not work hand in hand, and because the ordinary police said that there was definite information that an armoury raid would take place, the head of the Intelligence Branch refuted it. No precautions were taken and the raid took place. That is the value of the important work done by the Intelligence Branch. I submit that as quickly as possible the two forces should be amalgamated and the Intelligence Branch and the ordinary police should be placed under one head.

Sir, then I come to another part of the argument of the Hon'ble Mr. Reid. He said that the escape of four undertrial prisoners from the Alipore Jail shows that the men were very desparate, and an increased activity of the terrorists might be apprehended, and therefore, he said, it follows that an increased force of police is necessary. One really fails to understand whether Mr. Reid takes the House seriously. He knows very well that whatever he demands—2, 3 or 5 crores—he will get through this House. But I do submit that it is up to him to treat the members of the House with little more respect. He asks the House to vote a huge grant because four undertrial prisoners escaped. It is simply ridiculous. The question is whether this large increase and the continued maintenance of the temporary force is necessary in the interest of the country. The fact of the matter is that Mr. Reid has admitted that there is a great improvement in the situation. If there is great improvement in the situation and if you keep on a large number of temporary men then I would ask Mr. Reid's attention to the adage that he has repeated in this House, viz., that Satan finds some mischief still for idle hands to do. These idle hands of the Intelligence Branch will be employed in creating offences and in creating situations to terrorise their superiors in the service and the Government and in creating a situation by which the continuance of their existence may be upheld and justified. Sir, let us see how the officers and men of the Presidency Police with which these present cuts are more directly connected, serve their superiors. As members of the Council might have seen the amount we are asked to pay on the one head "Superintendence" in the Presidency Police is Rs. 4,22,000. The number of officers is one Commissioner and 15 Deputy and Assistant Commissioners. Well, Sir, was it yesterday or the day before, I do not quite remember the day, Mr. Reid in speaking on the increased and top-heavy nature of the administration tried to

refute that idea. He said, "Well, you have so many members in the Council and they put questions to us and we have got to think and spend a large amount of time in hunting out the truth about the facts, and they have got to rely on the information which is given to them by their officers in the various departments." Well, Sir, on the 13th of this month certain questions of mine were answered not by the Hon'ble Mr. Reid, who, I expected, would answer them, but by the Hon'ble Sir Bijoy Prasad Singh Roy. I do not know why.

Mr. PRESIDENT: Do they relate to this matter, Mr. Basu?

Mr. NARENDRA KUMAR BASU: Yes, Sir. These are matters relating to the police administration of the Motor Vehicles Department; and, probably, because of that the Hon'ble Minister replied to my questions. One of the questions was with reference to the prosecution of Major Curtis. I will read out the relevant questions:—

"(*f*) Is it a fact that Mr. Curtis had made a complaint to the Commissioner of Police alleging rudeness and incivility of a high officer in that particular department of the Police?"

"(*g*) If the answer to (*f*) is in the affirmative will the Hon'ble Minister be pleased to state—

(*i*) the date of the complaint by Mr. Curtis against the said police officer; and

(*ii*) the date when the first prosecution of Mr. Curtis had been started?"

Sir, the information given to this House in respect of (*f*) was "No," and as regards (*g*) it was "Does not arise."

Well, Sir, I hold here in my hand a copy of the letter written by Mr. Curtis to the Commissioner of Police against Mr. Higgins. But the actual reply sent to Mr. Curtis on behalf of the Commissioner of Police was signed by Mr. Higgins himself. I have got also the dates. It would rather be interesting to the House to know that this complaint was made on the 5th of September, 1933. After that, between October, 1933, and October, 1934, there were five summonses issued against this unfortunate Major Curtis from the Motor Vehicles Department. In the first and second cases he was acquitted. The fourth case was withdrawn. In the third case he was fined Rs. 10 for not exhibiting the token which he had not got from the Department. In the fifth case also he was acquitted. I am not now complaining of the vindictive nature of this prosecution, that would be beside the point. What I am submitting is that this is how the Members of Government are served by high pol-

officials who put up false answers to questions put by members of this Council. If, in a matter like this, the Members of Government are deluded and deceived, my submission is that the delusion and deception will be even more in the case of serious crimes or alleged serious crimes. My submission is that it is not necessary to have temporary officers to supplement permanent officers of this character; it is not necessary to spend a large sum of money to have more men put into the service in order to imitate the conduct of these officers.

Then, again, Sir, with reference to the remarks which the Hon'ble Mr. Reid has been pleased to make with regard to the terrorist conspiracies, I do submit, Sir, that, as I have said often and after in this Council, I do not agree with the Hon'ble Mr. Reid that the way to stop terrorism in this province is by increasing the number of policemen for the purpose of ferreting out cases. My submission is that the existing permanent police force is quite sufficient to get up cases. In how many cases have the temporary men been able to pick out the true cases in which the permanent men have failed? What is the treatment that Government mete out to these permanent men in the service? Sir, last year, in answer to a question of mine, in which I asked for the number of officers killed in terrorist activities during the last few years, it was stated that 97 per cent. of the officers so killed were Bengali Hindus. The reply of Government to that is that all Bengalis are traitors, seditionists, and men imbued with terrorism, and, as such, they have got to be kept at arm's length. They did make certain rules after the Lebong outrage for the prevention of the intrusion of Bengali Hindus into the Darjeeling district. Presumably, they have got a number of temporary men to look after the administration of these rules. These rules lay down that every youth of either sex, between the ages of 14 and 25, proceeding to Darjeeling, shall have either to have a pass from his or her home district or a permit from the police authorities in Darjeeling.

Mr. SHANTI SHEKHARESWAR RAY: Every Bengali Hindu.

Mr. NARENDRA KUMAR BASU: I will come to that later. The rules further say that such persons shall, if so required, afford all reasonable facilities for ascertaining, etc. I ask the House to note the words in the following rule:

"No person whatsoever not ordinarily resident in the Darjeeling district, shall enter, or remain in, the district without complying with the following conditions, viz.:—

(a) Such persons, shall, if so required, afford all reasonable facilities for ascertaining whether such person is a Hindu young person in possession of the pass and so forth.

It may be very difficult for a non-Hindu young person, male or female, between the ages of 14 and 25, to give facilities to the policemen for ascertaining whether he or she is a Hindu or not. It may not be so difficult for a Muslim male youth to give the facilities to a policemen by way of medical examination. (Laughter). But what about a Muslim female? In many cases, I know personally, that Muslim young girls dress exactly like their Hindu sisters. What is there to prevent the policeman from interfering with these Muslim girls and young women? Let not my Muslim friends lay a flattering unction to their souls that Muslims will not be molested owing to the operation of these rules. Then, again, Sir, these rules are supposed to restrict the entrance of Hindu young persons into the district of Darjeeling? What is the meaning of this rule—The issue of certificates to the effect that the holder is a person to whom exemption from the rules may be granted by the Deputy Commissioner. This is what the rule says: "The issue of such certificates will not be confined to Hindu young persons between the ages of 14 and 25; they may be issued to all Hindus who apply for them. ....." That is to say, Sir, hoary-headed men like myself and several of my friends here have got to get the certificate in order to show that we are not between the ages of 14 and 25. My friend, Maulvi Abul Kasem, who is laughing, will have to take an exemption certificate in order to prove that he is not a Hindu young person.

The Hon'ble Mr. R. N. REID: The word used is "may" and not "shall".

Mr. NARENDRA KUMAR BASU: Yes, I know that. I wish that the Hon'ble Mr. Reid were present at the Siliguri station to see for himself how the rules were administered by the constables on duty. I might tell the House that when in July-August last I had to proceed to Darjeeling, the Hon'ble Mr. Reid was good enough to give me a certificate. I pointed out to him that the constable at Siliguri would not be able to decipher his signature, and even though he might be able to read his signature he might say that it was not genuine. The Hon'ble Mr. Reid in reply pointed out that the embossed stamp at the left-hand top of the paper would let me in. That is one of the ways of getting an exemption. I ask what are these rules? Are they not meant primarily to harass and molest Hindu visitors to Darjeeling of all ages—visitors, who might have relations amongst the 97 per cent. of police officers, who had been killed by the terrorists, and to whom this sort of treatment is meted out by Government. I would ask the Hindu members of Government and the Hindu officers to say whether these rules are not such as to put them in jeopardy and also their non-Hindu brethren,

unless they are accompanied by Government *chaprassis* in uniform—it is the red uniform that gives a passport to these gentlemen and their family members. But, certainly if, for example, my friend Mr. B. R. Sen were to proceed to Darjeeling this evening in *dhoti*, without a *chaprassi*, what would be his position? I do not think that the policemen at Siliguri will let him off without a pass, a certificate, or a letter of authority. Sir, it is idle to deny that Government in their administration are proceeding with pin-pricks, at least so far as the Hindus are concerned; and I submit that it is this policy which is mainly responsible for the continuance of terrorism in the province. It is not by the employment of more and more men for whom work has got to be manufactured that you can hope to suppress the terrorist movement.

Sir, the Hon'ble Mr. Reid told us only this morning that the policy of Government as a whole is to find employment for these idle youths; it is a policy which I can well understand. That is a policy which I have tried to help in my own humble way but with what results I do not care to say. I submit, Sir, that if you are really desirous of doing good to the country, you had better adopt more and more means like that and expend less and less on the Police.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I support my friend's motions. He has so eloquently placed before the House the sentiments of the public in connection with the orders of Government about the visit of Hindu young persons to the district of Darjeeling, that there is very little for me to say. Sir, this is a matter that has been exercising the minds of the public for some time past. During the last general discussion on the Budget I referred to the subject, and I expected that the Government of Bengal, as represented in the person of the Hon'ble Member in charge of the Police Department, would have something to say on this subject. I expected that he would realize the injustice, the absurdity of such orders and admit that the Government had committed a mistake. But, Sir, instead of that what happened? Barely a week was over, we read in the newspapers that these objectionable orders had been suspended for the time being, because these high officials of Government were not at Darjeeling. They are going to be enforced once again. Sir, that was the reply of the Government of Bengal to the representation on our part. In a flash that represents the general attitude of the Government. They do not care a straw for the opinions of the representatives of the people here. They are not even inclined to give such representations any thought, any consideration, and sometimes they defiantly prefer to go their own way. On that occasion we had no opportunity to get a collective verdict of the House on the matter,

but this is the occasion when that verdict will be given. I would ask the House to make this cut motion a censure motion on the Government on this very point. I would appeal to my Hindu and Moslem colleagues here to take a serious view of the matter and by supporting the motion to bring it home to the Government that their actions will not be allowed to go unchallenged. This verdict, if it goes against the Government, may not mean anything, because the demand is a reserved subject demand and the Government may go on merrily without paying any attention to such a censure. But, Sir, it will prove to the country that, although the Press never misses an opportunity to decry the members of this Council as subservient members, as unrepresentative men, there are still members in this Council who have at least for once vindicated their position by correctly representing the views of the public by showing that these orders are resented as an attack on the self-respect of the people of this province, and that these orders, though the result is not so fatal immediately as in the case of the order given by that notorious General Dyer at Amritsar, are at par with it in their far-reaching effect. That order was given to crush the spirit of self-respect in the people of the Punjab, and these orders have been given to crush the spirit of self-respect, the spirit of independence that still remains in this province. If we allow these orders to remain uncensured, the Government of Bengal can well claim that they have finished with the province of Bengal for ever. I take these orders of the Government of Bengal in that light, and I ask the House, at least the Indian element in the House, to take that view. Perhaps the Hon'ble Member in charge of the Police Department will stand up and rumble that these orders were issued as a necessary precaution, as a precaution for saving the life of His Excellency. But, Sir, I would ask the House not to be misled by such arguments. The orders, as they stand, can in no way help the police, and I submit that if the matter were placed before His Excellency, he would also not think that his life should be saved in this way by causing unnecessary irritation by perpetuating this sense of humiliation among the people placed under his charge. I do not know what the feeling about these orders is in other official circles. I do not know how other British elements in the Indian Civil Service feel about it. It is very difficult to have a clear estimate of their position in these days. About two years ago, we were told, we were given to understand that the British element in the Indian Civil Service in Bengal had become more or less demoralised. They were afraid of their lives, and it was necessary to send a retired member of the Indian Civil Service from England to inspire courage in their mind. Mr. Prance came to give the necessary strength to the British element of the Indian Civil Service in Bengal. After that incident I do not know what has been

the attitude of the British element among the officers of the Government in this province. Perhaps they are now sufficiently bold. Mr. Prance has done his duty and left for England. Sir, from what I know of the British members of the Indian Civil Service in other provinces, their contact, their close association with the people does not show that they are so demoralised——

The Hon'ble Mr. R. N. REID: Sir, I rise on a point of order. May I enquire whether the demoralisation of the Indian Civil Service has got anything to do with the cut motion on the Presidency Police?

Mr. PRESIDENT: My impression has all along been that Mr. Ray was replying to some extent to the remarks you made on the main motion when you moved it. That has not been disposed of.

Mr. SHANTI SHEKHARESWAR RAY: Yes, Sir, to some extent——

Mr. PRESIDENT: Order, order. The point is this, that the Hon'ble Mr. Reid's motion has not been put. The three cut motions that have been moved by Mr. Narendra Kumar Basu are also before the House. It is clear that you muddled up all these and it is very difficult for the House to make out which of the motions you intended to make a motion of censure on the Government in regard to the position of Hindus in Darjeeling. What I find is this, that with regard to motions Nos. 390-92, none of these three motions has anything to do with the order of the Government that has been passed with regard to Darjeeling, but it will certainly come under the main motion, and if the House really intended to censure Government on that point, obviously the main motion ought to be rejected when the time comes, and not any of these three cut motions. I may say that when motions for reduction or refusal of the grant are moved, generally the discussion should be confined to those motions, but at the same time it is sometimes very difficult for the Chair to restrict anybody if he attempted to speak on the main motion because that has not been disposed of. Nevertheless, when we take up motions for reduction, it is very much desirable that the remarks should be confined specifically to those motions, but at the same time there is no denying the fact that the Hon'ble Mr. Reid made a long statement when he moved his motion, and if any member wanted to make any remark with regard to that, it is difficult for the Chair to intervene and stop it. You should realise that.

Mr. SHANTI SHEKHARESWAR RAY: Sir, my main object is just to stir up a sense of self-respect in the Hon'ble Mr. Reid and

his brother officers, because it has been given out that these precautions, these temporary officers are necessary for the safety of the high Government officials, including the Hon'ble Member in charge. My position is that these precautions are absolutely useless and cannot have the desired effect. What is wanted is courage and not cowardice on the part of the Government of Bengal. When an Indian medical man goes to a cholera or plague-infested place, he does not put a pad on his mouth but takes courage in both hands.

(At this stage the member having reached the time-limit resumed his seat.)

The Hon'ble Mr. R. N. REID: Sir, the discussion on these motions has ranged over a good many subjects and I shall endeavour to restrict my reply to one or two points.

Let me take the obnoxious Darjeeling rules first. Mr. Shanti Shekhareswar Ray made the remark, which he knew I should give in my reply, that these rules were introduced as a matter of precaution. We considered that it was necessary to put these rules on as an extra precaution because we thought that by so doing it might assist in preventing possible outrages. That was our sole reason. Obviously, there was no question of endeavouring to humiliate by pin-pricks or in any other manner any section of the populace or even the whole populace at large. Nothing of the sort, Sir. I also claim that in working these rules every effort is being made to ensure that it should entail the minimum of inconvenience. I do not say that all inconvenience and discomfort can be avoided, but I do say, Sir, that as far as possible inconvenience has been avoided and Government at this end have endeavoured to see that there is as little inconvenience as possible and have issued instructions to their officers accordingly. The rules were first put on shortly after the outrage on May the 8th and taken off when Government came back to Calcutta in the rains. But before they were reimposed again last September, I personally went into them again and discussed them with the local officers and we made certain modifications, the chief of them being the grant of power to local district officers or officers of the Calcutta Police to issue a certificate. Such a certificate could be given to any person they considered suitable and that would be accepted by the Darjeeling authorities as sufficient to exempt them from the necessity of obtaining any card, etc. And this system has been working since last September and October. I made further enquiries as to how it was working and I was assured (of course any information that we get from our subordinate officers is of little value in the opinion of some members of the House) and I have no reason to disbelieve it that the rules were working without any very great discomfort to the public. I may again say that I shall instruct our local officers to see that all

possible inconvenience is avoided and if our officers in the Secretariat can give any help to gentlemen who want assistance before they go up to Darjeeling, we should only be too glad to do so. It is an unpleasant thing to have to put on orders like that, but it was necessary and this necessity is the justification for our doing so.

Mr. Basu made it a great point that the fact that some prisoners had escaped from Alipore had been used as an excuse—for that is what I understand him to imply—for providing increased expenditure on a perfectly useless police force. The point which I made, Sir, when I alluded to the escape of certain prisoners from the Alipore Jail was not what Mr. Basu seeks to imply. What I intended to imply was the immediate effect of the fact of that escape, the effect which the escape of recognised leaders of a certain party had on that party at large. The immediate effect—I am speaking of facts—was that there was at once an increase in their activities, an improvement in the morale of the party concerned, simply because those men were again at large. The natural deduction from this is the fact that the movement is still there, ready to spring into life again, given the opportunity: that, Sir, was the only deduction that I wish to make from the escape of these prisoners from the Alipore Jail.

Mr. Basu stated one fact about the Calcutta Police which of course is immediately relevant to the motion before us. The complaint he made was against a certain answer given to a question in this House: a question which was answered in all good faith by an Hon'ble Minister. He was furnished with the reply and he put it on paper and gave it to this House. Mr. Basu—I have no doubt he will be glad to hand over copies of the papers from which he quoted—said that he had complete proof that the answer "no" to a portion of the question was wrong. Well, Sir, I should be glad to see the copies to which he was referring and I should be glad also to enquire into the matter, but beyond that I cannot say anything more. I am not going to accept the situation that the Deputy Commissioner is a liar. I am quite sure that it is highly probable that there is some perfectly good explanation of it, but as stated by Mr. Basu, it is a matter for investigation but I cannot accept it offhand without further investigation.

Mr. Basu told us once more—we have often heard of it before—that our police are a hopelessly inefficient body of men and it is useless spending lakhs and lakhs of money on the temporary force while it is the thana police who do all the work, and that these temporary inefficient Intelligence Branch people do nothing whatsoever. That, Sir, is a very easy thing to say but it is not right at all.

Mr. NARENDRA KUMAR BASU: What about the Chittagong raid?

The Hon'ble Mr. R. N. REID: I must confess that it is a goodish time since I read the judgement on the Chittagong Armoury Raid Case, to which Mr. Basu refers. What he said, as far as I remember was, that the local police warned the Intelligence Branch that something was brewing in Chittagong and something was going to happen. But the Intelligence Branch people did not believe that any such thing would happen. I am not prepared to reply at length to that, but I do know that the Intelligence Branch people here had a very considerable knowledge of what was going on in Chittagong, and I have little doubt that what happened was that the revolutionaries knew that we knew of their movements and they therefore ante-dated the date of their outrage on the armoury; but I am not prepared to say much at present on that. But I do not think, and I am quite sure that Mr. Basu is wrong in saying that the local police knew all about it and that it was the Intelligence Branch who ruined the whole show by not allowing them to act.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member kindly refer to what prosecution witness No. 156 said in this connection?

The Hon'ble Mr. R. N. REID: I should be very glad to hunt up this reference but I cannot give chapter and verse at this moment as regards prosecution witness No. 156 or 157 or anybody else. I deny that these Intelligence Branch men are useless men. On the contrary, they do extraordinarily good work both in hunting up conspiracies and preventing outrages. We do not in fact know, and it is impossible for us to gauge, the number of crimes and outrages which they have prevented by their presence and by reason of the knowledge they have of what is going on. Sir, things prevented do not see the light of day and therefore do not count, and it is only the things that happen that count. I beg to oppose the motions.

Mr. Narendra Kumar Basu's motion that the demand of Rs. 19,000 under the head "26—Presidency Police—Superintendence—Temporary officers" be refused was put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Dr. Jogendra Chandra.
Choudhury, Maulvi Nurul Abser.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Poddar, Seth Hanuman Prasad.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hemanta.

NOES.

Ahsai, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Armstrong, Mr. W. L.
Arthur, Mr. C. G.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Benjamin, Mr. H. D.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
Das, Babu Gurupresad.
Dutt, Mr. C. C.
Faroqui, the Hon'ble Nawab K. G. M.
Fergusson, Mr. R. N.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Guthrie, Mr. F. C.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Human, Mr. F. T.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Khan, Mr. Razaur Rahman.
Lamb, Mr. T.
Maguire, Mr. L. T.
Martin, Mr. C. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Norton, Mr. H. R.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur.
Ray, Babu Khetter Mohan.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijay Prasad Singh.
Roy, Babu Jitendra Nath.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Nem Chandra
Sen, Mr. B. R.
Thompson, Mr. W. H.
Townsend, Mr. H. F. V.
Walker, Mr. J. R.
Walker, Mr. R.t.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Sir John.

The Ayes being 10 and the Noes 58, the motion was lost.

The other two motions of Mr. Narendra Kumar Basu were then put and lost.

Rai Bahadur SATYA KINKAR SAHANA: I beg to move that the demand of Rs. 43,26,000 under the head "26A—Presidency Police" be reduced by Rs. 21,63,000.

Sir, it is evident that the cut motion that I move is not a token cut but an economical cut. My object in moving this is to try to redress a wrong under which the people outside Calcutta have been groaning; I mean the meeting of the cost of the Presidency Police from the Provincial Revenues.

Sir, an agitation on this question is going on for many years. Similar motions have been moved in this House from year to year but they have fallen on deaf ears. This year too I cannot hope that my motion will meet with better treatment. Yet I move it because I consider that if I do not do so I shall be failing in my duty to the people and the State and further because I have a hopeless hope that good sense may at last prevail in the Government and the just grievance of the people redressed.

Sir, the Presidency Police is primarily meant for the maintenance of law and order in this city. Calcutta, as we all know, is the second

city in the British Empire. In wealth, luxury, education and the amenities of civilized existence it has no likeness in any other part of this province. It is so very unique that the people in the rural areas consider it to be placed on the trident of Siva.

Sir, Calcutta is immensely rich, so rich that its municipality has got an income more than the income of the gubernatorial province of Assam. It is the heart of the province, but unfortunately it is a deranged and diseased heart. From a normal healthy heart flows the life-sustaining blood to all the several limbs of the body; but from this heart all the life-sustaining blood flows out of the country. Sir, the only producers of wealth—the agriculturists of the province—produce about 250 crores of rupees. Out of that about 180 crores fly out through the fingers of businessmen, the professionals and the State.

Sir, this is the picture of Calcutta, not an inch exaggerated, not a shade highly coloured. On the other hand, the picture of the rural areas is too painful to paint. There live 95 per cent. of the people of Bengal—mostly agriculturists. They are a wretched specimen of humanity—the poorest, most helpless, awfully neglected and greatly wronged. Though they produce the wealth of the province by working in sun and rain, in knee-deep mud and water, they are so poor that most of them do not know what it is to have a full meal from day to day year in and year out; they are so poor that some of them cannot spare one-anna bit to purchase quinine to save the lives of their only sons. Over and above that they are grievously wronged. I will venture to state one instance of how they are wronged. For long centuries, Sir, the villagers were getting their police protection in the shape of chowkidars without paying anything for that. The landlords of the villages had given 8 *bighas* of *chakran* land to every chowkidar who gladly rendered the duties of guard in lieu of those lands. This method continued for long centuries and extended to the British administration. But a few years ago our administrators, for reasons unknown to us, resumed those *chakran* lands and settled them with the landlords on an average rental of Re. 1-4 per *bigha*, *i.e.*, Rs. 10 for the 8 *bighas* of *chakran* land. Five rupees out of the ten was given to the landlords as remuneration for collection and the remaining five rupees went to the chowkidari fund. So, Sir, in place of an entire chowkidar the villagers get Rs. 5. At the same time the pay of the chowkidar was fixed at Rs. 6 per mensem. This Rs. 72 (one year's pay) *plus* part of the pay of a daffadar and part of the contingencies of the collecting panchayet—in all Rs. 100—had to be paid by the poor villagers. Consequently, Sir, Rs. 100 *minus* Rs. 5, the income from the 8 *bighas* of land which were supplying one entire chowkidar—that is Rs. 95 had anyhow to be realised from the poor helpless, hopeless dumb villagers——

Mr. PRESIDENT: Rai Bahadur, come to the point.

Rai Bahadur SATYA KINKER SAHANA: The question that I have raised is why should the Presidency Police be maintained from the Provincial Revenues——

Maulvi ABUL KASEM: On a point of order, Sir. It is not a token cut: it is an economical cut and he must show the way in which the money reduced should be spent.

Mr. PRESIDENT: Order, order. Let the Rai Bahadur explain the idea at the back of his mind. How do you propose to effect the reduction you have suggested?

Rai Bahadur SATYA KINKAR SAHANA: I mean to say, Sir, that all the burden of taxation has fallen on the rural people and a large proportion of it is coming from the rural areas, and I am just——

Mr. PRESIDENT: Order, order. I must explain to you the position. You have proposed a reduction, a huge reduction too, and I think it is incumbent on you to tell the House why and how the reduction should be effected. You are giving instead a long history of the Police administration in this country!

Rai Bahadur SATYA KINKAR SAHANA: My few points are that the cost of all police in the villages——

Mr. PRESIDENT: Rai Bahadur, will you please abide by the ruling I have just given? I would ask you to show in the first instance as to why and how you should effect the proposed reduction in this grant.

Rai Bahadur SATYA KINKAR SAHANA: My definite proposal is——

The Hon'ble Mr. R. N. REID: Sir, I rise on a point of order. I think, perhaps, it would be of help to the hon'ble member if I were to intervene at this stage and say that he is proposing that the entire amount devoted to the Calcutta Police Force should be reduced by one-half. By that, I presume, he wishes to argue that the inhabitants of the city should contribute at least half of that amount—the other half being met from the provincial revenues; so that the total would remain the same and the result would be much better for everybody concerned. That is, Sir, what I think the mover is driving at.

Mr. PRESIDENT: That may be so, but my interpretation of the motion is this: It is an economical cut, pure and simple. The Rai Bahadur has proposed a definite reduction—a very big reduction too—and it is incumbent upon him to show why and how this reduction should be effected.

Rai Bahadur SATYA KINKAR SAHANA: What I mean to say is that fifty per cent. of the cost should come from the provincial revenues. At present, the cost of the Presidency Police, I mean the whole of it, is met from the provincial revenues, to which the entire peasantry of Bengal generally contribute——

Mr. PRESIDENT: Rai Bahadur, we are not at the present moment concerned with the policy; nor do we expect you to give the whole history of the police administration. We expect you to come forward with concrete proposals which will go to effect a reduction in the cost, as suggested by you.

Rai Bahadur SATYA KINKAR SAHANA: Sir, I am coming to that.

Mr. PRESIDENT: You are not.

Rai Bahadur SATYA KINKAR SAHANA: Sir, to meet the cost of the Presidency Police from the provincial revenues realized mostly from the peasantry, directly or indirectly, cannot but be illogical, inconsiderate, and heartless——

Mr. PRESIDENT: Order, order. I know the difficulty you have to contend with when asked to skip over certain portions of a set speech, but, perhaps, somewhere in your manuscript you have jotted down the reasons which you really want to place before the House for effecting the reduction that you have proposed. Will you please find out that portion from your manuscript?

Rai Bahadur SATYA KINKAR SAHANA: All right, Sir. (Laughter.) Considering all these, I propose that half the cost of the Presidency Police be realized from Calcutta, and that the money so realized be spent on sanitation, education, agriculture, and so on.

Rai Bahadur Dr. HARIDHAN DUTT: Mr. President, Sir, I should like to say a few words in opposing this motion. I fear my friend has confused the issues that are in his mind. He wants the cost of the Presidency Police to be apportioned half and half as between the provincial exchequer and the citizens of Calcutta, by which he, perhaps,

means the Corporation of Calcutta. I cannot understand how he can do that. But, apart from the possibility of carrying out his desire, I should like to lodge my objection on behalf of the citizens of Calcutta. Calcutta, has, time after time, been described as a city very rich——

Mr. PRESIDENT: Rai Bahadur, you need not labour that point. I have already ruled the mover's remarks on this point as out of order, and you need not refer to them. Can you help us in showing how the amount referred to by the mover can be saved, or that it is really indispensable?

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I am not disposed to support the motion for reduction: in fact, I am opposing it. My point is, however, that if my friend the mover could argue that because——

Mr. PRESIDENT: You need not go into that.

Rai Bahadur Dr. HARIDHAN DUTT: I would, in that case, oppose the motion.

Mr. PRESIDENT: Having regard to the ruling that I have given, anybody who wishes to speak on this motion will please bear in mind that he shall have either to support the proposed reduction or oppose it and in each case adduce reasons therefor.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, as a justification for my opposing this motion, I might state incidentally that the mover raised the question——

Mr. PRESIDENT: Order, order. Rai Bahadur cannot speak again.

The Hon'ble Mr. R. N. REID: Sir, I venture to suggest that the mover of motion No. 393 will be able to see that what he really intends to do is covered by the next two motions, viz., Nos. 394 and 395. In view of that fact, I would suggest to him to withdraw his own motion, viz., No. 393.

Rai Bahadur Satya Kinkar Sahana's motion was then, by leave of the House, withdrawn.

Maulvi ABUL KASEM: Sir, I beg to move that the demand of Rs. 43,26,000 under the head "26A—Presidency Police" be reduced by Rs. 100, to draw the attention of Government and of the House to the injustice of charging the provincial revenues for the cost of Presidency Police.

Sir, I am afraid that everybody will say that this is my hardy annual. Year in and year out I have harped on this question—I might say undaunted by reverses. Sir, when I first brought in this motion some years back I had only six men to support me in the Lobby. (THE HON'BLE MR. R. N. REID: No; it was eight.) Fortunately, however, the number increased gradually and steadily. If I move it again, it is because I hope and believe that I will gain by persistence what has been refused in spite of fairness and justice on my side. Sir, Calcutta, my friend Rai Dr. Haridhan Dutt Bahadur may object to my saying so, is a magnificent, rich and prosperous city. Rural Bengal is not only poor, not only helpless, but is in acute distress. Can the Hon'ble Member in charge of the Police Department convince me by his arguments the fairness of charging the revenues of Bengal? As Rai Bahadur Satya Kinkar Sahana has said in connection with another matter, the revenue collected from the cultivators of Bengal is spent for the comfort, the luxury, and the convenience of the citizens of Calcutta; it is a big commercial city, and it is, also, the official headquarters of the Government of Bengal. Calcutta, Sir, wants many things: it wants the Traffic Police: it wants police even for "decorations"; but whatever it does is no concern of ours—the people who live in the villages. What we are concerned with is that we are made to pay for the luxuries of Calcutta. What does it matter to us—I repeat it again, as I did some years ago—whether a Rolls Royce collides with a bullock-cart? We, the people from the villages, have to walk there over roads which will not allow motor-cars to pass over them; but all the same, we have to pay for these people so that they may not feel the least inconvenience in driving their cars in the city of Calcutta. Certainly, we are prepared to pay for all the Police required to guard and protect the Government House, the Writers' Buildings, the Currency Office, and other public buildings; but to ask us to pay for the upkeep of the general police of Calcutta is not only unfair, unjust, but absolutely—if I might say so—iniquitous. What, Sir, is the contribution of Calcutta to the provincial revenues? I am sorry, Sir, the Hon'ble the Revenue Member is not here to tell us what it is. It does not go beyond three figures; while we have to pay an enormous sum from the rest of Bengal. What happens in our villages? What are our properties there? We have got there only a few bunches of plantains, a few bags of paddy, and, perhaps, a handful of potatoes, for the guarding of which you have asked us to pay for our chowkidars. You say that you have got a machinery ready for us for chowkidari

panchayets, union boards, and other things. But when you turn to the city of Calcutta—the city of magnificent palaces—you say that the people here should pay only the municipal taxes—for which they enjoy all the amenities of city life—and that they cannot be burdened with any taxation for the police.

Sir, I might remind the Treasury Benches that when I first moved a similar motion some years ago, the late Sir Arthur Moberly, the then Member in charge of the Police Department, gave us a sympathetic reply. He told us that Government would consider the question favourably if they found that the House approved of it. The House on that occasion did not approve of it and has not yet approved of it. The reason, Sir, is a very simple one. In the first place, the majority of the members of this House are residents of this great metropolis. (MR. NARENDRA KUMAR BASU: No, no.) And, even if they are not, some people like my friend Mr. Narendra Kumar Basu, who says that he hails from Krishnagar, has a palace and motor-cars in Calcutta; I wonder how many days he lives in Krishnagar! He wants his house and property to be guarded and he also wants the traffic to be controlled, so that he might not find any difficulty in driving from his house in Bhowanipore to the High Court and back. As I have said, Sir, the majority of the members of this House belong to the city of Calcutta, and they naturally resent my idea of taxing the Calcutta people. (MR. NARENDRA KUMAR BASU: No, no; that is not correct.) Rai Dr. Haridhan Dutt Bahadur will, probably, say that this sort of distinction between Calcutta and the mufassal is very bad. But why? Because, I suppose, it affects the interests of Calcutta. But when it comes to demarcation—which is sure to come—there will be the distinction between Calcutta and the mufassal. We were told some years ago by some of our colleagues—not on this question but on another question—when I moved that only Bengalis should man the public services of Bengal, that on grounds of broad nationalism we should not make any distinction between Bengalis, Biharis, Punjabis, and so forth. Therefore, the Rai Bahadur says that we in Bengal should not talk of Calcutta and the mufassal. You are short of funds, and, therefore, you cannot do many things which your heart desires for the development and improvement of education, health, industry, and for the prosperity of rural Bengal. Why? Because you have no funds. True it is that you have no funds to spare! But, Sir, you forget one important factor, and that is that rural Bengal is the bread-winner of the whole family. It is the poor cultivator of the rural areas who provides the funds; and the rest of Bengal—if I could use an old simile—are like the widowed sisters in Hindu families. They may be very useful members, but they are not the earning members. And it is customary that in every family the earning members get all the comforts and conveniences. But Bengal as a whole neglects the earning member and the earning

member is the most neglected one in the family. The time is fast approaching when the capacity of the earning member will diminish to the extent of the vanishing point and then neither by any means you will be able to support your administration nor to maintain your police. Whenever there is any pressing want, *e.g.*, drinking water, roads, drainage, etc., from the rural areas, you say you feel it, you sympathise with us, you have got a remedy in your hands and in about six years' time you would be prepared to prescribe it. Government would also certainly say—look hear you are getting sufficient money from your labour and cultivation, we are providing you with the means and you must pay us at least to the extent of 50 per cent. of your unearned profit. I want to know how much Calcutta pays out of its unearned profit. Calcutta and its people do not pay any appreciable amount of revenue for Bengal. I want to know how much do the people in Barrabazar, Zakaria Street or Clive Street contribute to the provincial revenues. They would say—look at the high income-taxes that we pay. But I would say that most of the income-taxes go to the imperial revenues. Further, the income on which they pay the income-tax is chiefly earned out of rural Bengal and not of Calcutta. We, the poor people of the rural areas, whenever we come to Calcutta or go out of it have to pay tax, but the Calcutta people enjoy the amenities of the city provided out of this money. I admit that Calcutta is the second city of the Empire but I am not prepared to pay for its amenities; why should I? The people of Calcutta as well as other municipal towns of Bengal should pay for the maintenance of their Police. Government might say that the people of the rural areas should pay the entire cost for the establishment of thanas. That is no doubt correct. But why should the municipalities, which are particularly not very small as regards their income in comparison with Calcutta, not pay for their Police? In Calcutta every pie of the traffic and other police should be paid by the citizens of Calcutta. Another argument put forward is that if we tax the people of Calcutta, we will have to hand over the administration of the police to the Calcutta Corporation. I see no justification for it, I see no necessity for it. So far as I am concerned, I do not care who administers the Calcutta police. What I feel is that I am being bled white for the police in Calcutta. The amount given here for the Calcutta Police is about Rs. 44 lakhs, but the amount is really much higher than that. What about the interest that we pay on the capital expenditure on the magnificent houses for the police-stations, for the policemen's quarters and quarters for about two dozens of superintendents and about hundreds of inspectors? That amount is shown under the P. W. D. head. But whatever it is, we have to pay it. We now appeal to the citizens of Calcutta to have a little sense of fairness and justice to relieve us, the poor people of the rural areas, of the burden of the enormous amount that is paid for the police force here. Everybody knows the condition of the people of the rural

areas. We have got no drinking water, we want drainage, and what is more we want money for irrigation purposes; we also want medical relief. Our health is getting from bad to worse day by day, and why? Because our country, people say, is notoriously malarious. But why is it malarious? Because the flood water in our country is locked up and there is no proper outlet. It is mainly due, so far as my country is concerned, to the action of the British Government. It was not so before. For all these purposes we want money and money to-day and to-morrow. If you tax the people of Calcutta, it will not matter much to them. If the millionaires of Calcutta pay for the maintenance of the Calcutta police, it will not affect them much, but if we the poor people of the rural areas, who are living from hand to mouth, are asked to pay four pice or even six pice a year, it would be very hard on us. Is it fair for the people of Calcutta to rule over us, the people of the rural areas, for the maintenance of the Calcutta police? Therefore, I have to appeal more to my colleagues on this side of the House than to the Government, because Government have already given us an assurance that should the House decide in our favour, Government would be glad to consider it, and I hope the House will consider this favourably and sympathetically and with a sense of justice and fairness. I hope my appeal will not go in vain. We, the people of the rural areas, will have a say of our own under the new constitution and I will take particular care to tell the people of rural Bengal from Asansol to Chittagong how the House sitting as it is to-day has behaved with us in this matter and they will judge.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I rise to oppose this motion. Maulvi Abul Kasem for whom I have high respect has never been able to forget the treat which he gives this Council year after year on this subject, although it was after all not found to be worthy of any support. My friend has cited the Hon'ble Mr. Moberly, who is no more in this world. Unfortunately what he cited is simply misleading. The Hon'ble Mr. Moberly never said anything which would justify the conclusion that Calcutta ought to pay for the Presidency Police. On the other hand, he pointed out that this particular question had a very large history behind it. The question was discussed not only on the floor of this House but by a committee especially appointed by Government to enquire into the matter, and the finding of that committee was against any such proposal.

Maulvi ABUL KASEM: Who were the members of that committee?

Rai Bahadur Dr. HARIDHAN DUTT: There were members who enjoyed the confidence of Government. Apart from that, what are the points that my friend has raised? My friend began by saying that

Calcutta is a rich city and the rural population are very poor and are suffering from many inconveniences, therefore, Calcutta must pay for the Presidency Police. Is that an argument? Taxation is never based on such a principle. Are the Calcutta people not paying any taxes? They are paying the 19½ per cent. municipal taxes and the mover who is at present a member of the Calcutta Corporation should remember that besides many other taxes. I do not think it is necessary for me to remind him of all that. I am sorry he should have forgotten his lady-love so soon, for which probably he has lost the respect of the Calcutta Corporation. However, what are the facts? I find there is a large amount of tax levied from Calcutta under the head of excise. Further, there is a large amount of tax derived from the Calcutta people on account of amusements, and this is going to be further increased by the proposed Amusements Tax Bill. Where do these taxes go? Do these not form part of the provincial revenues? These taxes are all derived from the citizens of Calcutta and within the precincts of the city and the provincial revenues are very much enriched by them. Then let us examine the question of the Howrah Bridge. The cost of the Howrah Bridge which is about to be constructed is also going to be partly borne by Calcutta although the citizens of Calcutta may have to cross the bridge once or twice a year. On the other hand, about two lakhs of people of rural areas cross and re-cross the Howrah Bridge every day to come to Calcutta to earn their livelihood without paying a single pice, and my friend, Maulvi Abul Kasem, is aware of that. They do not even pay the terminal tax; which is levied only from people coming to Calcutta from 30 miles off. Similarly a large number of people come to Calcutta through Sealdah by rail. What about these people who come into the city and go away from Calcutta daily after enjoying the Calcutta amenities, and enjoying the business of the city and filling their pockets without paying a single pice for the benefits of the city? Whatever it may be give us the Excise revenue, and as a representative of the citizens of Calcutta I might tell you that we will gladly undertake some burden of the Presidency Police. But I am sure Government would not give us even a share of the excise revenue. The citizens of Calcutta pay excise duty on alcohol, wines and other spirits. I do not see any reason why these taxes should go for the benefit of the people of Barisal, Chittagong and other places. Let us have a part of this excise duty and we would gladly bear some burden of the Calcutta Police. Another important point is that the Presidency Police has to be increased lately very substantially. But for what? What is the reason for this increase? This increase as the House know has been made mainly to combat terrorism. But Calcutta has contributed very little to terrorist crime; if at all the number of Calcutta men in connection with terrorism is insignificant. Almost all the terrorists come from Midnapore, Chittagong, Noakhali and other Eastern Bengal places. It is the Eastern

Bengal people who contribute largely to the terrorist movement and it i that which has necessitated a large increase in expenditure on th Presidency Police. Why then should the Calcutta people who hav very little concern with the terrorist movement be punished? Is the fair?

Mr. PRESIDENT: Order, order. I must adjourn the House now

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 25tl March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 25th March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 94 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Naogaon Ganja cultivators.

*89. **Khan Sahib Maulvi MUHAMMAD BASIR UDDIN:** (*a*) Is the Hon'ble Member in charge of the Appointment Department aware that the educated and qualified sons and wards of the Naognon Ganja cultivators are not getting their due share of appointment under the Government?

(*b*) Is the Hon'ble Member also aware that recently three-fourths of the cultivation of ganja has been restricted owing to cultivation at Bhagalpur in Bihar causing a heavy loss to the cultivators at Naogaon and affecting their almost only income seriously?

(*c*) Are the Government considering the desirability of giving the sons and wards of the ganja cultivators a special consideration for appointment under Government?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) No.

(*b*) It has been reduced by nearly one-third partly owing to cultivation of ganja in Bihar and partly owing to a decline in consumption in Bengal.

(*c*) No.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Estates attached in the Rangpur district under the Cess Act.

46. Mr. SHANTI SHEKHARESWAR RAY: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay a statement on the table showing for the last two years—

(*i*) the number of estates that were attached in the district of Rangpur under section 99 of the Cess Act; and

(*ii*) how many of them have been released after realisation of all Government dues and costs of attachment?

(*b*) Will the Hon'ble Member be pleased to state what has been the percentage of the costs of collection in the estates released?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) 50 estates.

(*ii*) 28 estates.

(*b*) The percentage varied from 3·6 to 25·9.

Mymensingh-Bhairab Bazar Branch on the A. B. Railway.

47. Maulvi ABDUL HAKIM: (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to lay on the table a statement showing—

(*i*) how many accidents occurred in the Mymensingh-Bhairab Bazar Branch of the A. B. Railway during the year 1934;

(*ii*) how many accidents occurred during the months of July and August, 1934;

(*iii*) how many accidents occurred during the first two weeks of August, 1934; and

(*iv*) what was the nature of accidents referred to in (*iii*)?

(*b*) Will the Hon'ble Member be pleased to state whether any accident in 1934 was due to the neglect of the drivers of engines?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the number of such accidents; and

(*ii*) the nature of punishments, departmental or otherwise inflicted?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) A statement is laid on the table.

(*b*) No accident was due to the neglect of the driver.

(*c*) Does not arise.

Statement referred to in the reply to unstarred question No. 47 (a) showing the number of accidents occurred on the Mymensingh-Bhairab Bazar Railway during the official year 1934-35 up to the beginning of March, 1935.

(*a*) (*i*)—Number of accidents occurred in the Mymensingh-Bhairab Bazar Railway during the year 1934-35 to date—13.

(*a*) (*ii*)—Number of accidents occurred during the months of July and August, 1934—3.

(*a*) (*iii*)—Number of accidents occurred during the first two weeks of August, 1934—Nil.

(*a*) (*iv*)—Nature of accidents occurred in the first two weeks of August, 1934—Nil.

Babu HEM CHANDRA ROY CHOUDHURI: With reference to statement (*a*) (*i*), will the Hon'ble Member be pleased to state whether there was any loss of human life?

The Hon'ble Sir JOHN WOODHEAD: That information is not available, and I must ask for notice.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMANDS FOR GRANTS.

MOTIONS FOR REDUCTION OR REFUSAL.

(The Council resumed the discussion on the "Police" Budget.)

Mr. P. N. GUHA: Mr. President, Sir, I agree with my friend Maulvi Abul Kasem in thinking that Calcutta should make some contribution towards the upkeep of its police. Sir, the Budget figures show that the Government will have to spend about 43½ lakhs for maintenance of the Calcutta Police for the next financial year and we know from the census figures that the population of Calcutta is in the vicinity of 12 lakhs. That means that something like Rs. 3-8 have to be spent per head for the police arrangement in the city of Calcutta. I do not know if so much money is spent in any other city either in India or elsewhere. Be that as it may, the question that is troubling us is that people living in Calcutta or, to be precise, people of Bengal living in urban areas do not make any distinct contribution for the upkeep of their police, whereas people living in rural areas pay the whole sum necessary for the maintenance of their police. Sir, I consider this a grave injustice. Let us

examine the provisions of the payment made by the people of Calcutta to the provincial exchequer. They pay for the stamps when they go to the courts of law, they make substantial contributions to the revenue of the Excise Department, they pay for the amusement they enjoy, and they make almost a negligible contribution in the shape of land revenue. To all these will be added the surcharge on their electric bills in a few days' time. These are contributions to the provincial revenue made by the people of the rural areas as well, but in addition to these the people of villages pay the union rates for the upkeep of the rural police. The people in urban areas do nothing of the kind, though a huge sum out of the provincial revenue goes out for the upkeep of their police, specially of Calcutta. Sir, I admit that the people of Calcutta pay a lot as rates and taxes to their Corporation and those of them who are well off pay income-taxes, but it will not do to forget that not a pice either out of the revenue of the Calcutta Corporation or out of the income of the Government of India from the income-tax goes to the provincial exchequer. It will, therefore, be realised that Calcutta is having its well-equipped police force without spending anything. Sir, I do not suggest that any special police rate should be levied on the resident of Calcutta, but I do suggest that the Calcutta Corporation should be compelled to make a handsome contribution towards the maintenance of its police force. Sir, I want to make it clear that we have no complaint against the Government with regard to this particular matter, and we do not treat this motion as a censure motion against the Government. What we want the Government to do is to accept the principle underlying this motion.

Sir, members of the Treasury Bench and many others are aware of the fact that the cost of the London Police is borne by the County Council, though the force is under the control of the Home Department. It is difficult to understand why the course followed in the first city of the British Empire cannot be followed in the second city. Sir, there are people, people like my friend Dr. Haridhan Dutt, who seem to be of opinion that the cost of the Calcutta Police would never have been so large if people from elsewhere—to quote Dr. Dutt—people from Chittagong and Marwar—had not come here in such large numbers. The argument is not only untenable but ridiculous as well. Dr. Dutt seems to think that the number of those few families who settled in Sutanati and Gobindapur during the reign of Lord Clive never crossed the Padma or went on the other side of the Marhatta Ditch to earn their livelihood. I would have characterised such theory as silly if it had been advanced by a person of lesser eminence than Dr. Haridhan Dutt, Rai Bahadur.

Then, Sir, it should be recalled that the Corporation of Calcutta made a definite demand with regard to a substantial portion of the revenue derived from the taxes on motor vehicles. This demand had to be met and the Council made a statutory provision for the payment

of rupees four lakhs and a half to the Calcutta Corporation out of the revenue realised as tax on motor vehicles. I fully agree with the Calcutta Corporation in thinking that the demand was reasonable, in view of the wear and tear of the Calcutta roads, and I am glad that the demand was made and fulfilled, though I am of opinion that the allotment was quite inadequate. Here we have given what was the legitimate share of Calcutta and why in pursuit of the same principle of give and take, we cannot ask Calcutta to give us what is its legitimate contribution? Sir, I am definitely of opinion that a statutory provision should be made to compel the Corporation of Calcutta to pay a substantial portion of the sum of Rs. 43¼ lakhs necessary for the upkeep of its well-equipped and very costly police force. Sir, I am fully aware of the fact that the rates and taxes in Calcutta are very high. We are already paying at the rate of 19½ per cent., and Dr. Dutt has pointed out that another ½ per cent. will be added as soon as the construction of the Howrah Bridge begins. Sir, I fully remember the debate over the Howrah Bridge Bill, and I remember that the intention of the Government was to saddle Calcutta with 1 per cent., but ½ per cent. was eventually agreed upon. That gives us full 20 per cent., and I know that the Chief Accountant of the Corporation has pointed out that the expenses on primary education in Calcutta will have to be curtailed considerably if the tax is not raised by 1 per cent. more. Sir, the statutory limit is 23 per cent., and I fear that the limit will have to be reached very soon and the burden will in many cases be crushing. Yet it will not do to forget that those who want to enjoy the luxuries of modern day by living in a well-equipped first class city, must be prepared to pay heavily for doing so. You cannot compel the poor villagers to pay for the luxuries you enjoy.

Sir, the Ministers could have improved the lot of the people of Bengal a great deal if even half of the sum of Rs. 43¼ lakhs necessary for the Calcutta Police were placed at their disposal. We all know how, in spite of our best efforts, we could not place more than a lakh of rupees in the hands of the Minister for Industries for giving impetus to the cottage industries of Bengal. Sir, even a sum of rupees ten lakhs from the Calcutta Corporation could render a lot of help and assistance to the work of the nation-building department. The principle underlying the motion has been accepted everywhere in the civilised world, probably with the exception of Paris, as a friend of the European group told me a few minutes ago. Is there then any earthly reason for our Government to refuse to accept it? The Fire Brigade in Calcutta is under the control of the Government, but the Corporation pays for it. The police force of Calcutta is quite distinct from the police force of Bengal, and the cost of its upkeep is very high and so why should it be maintained by the money paid by the poor villagers when they themselves pay for their police?

Sir, as I have already said, we are fighting for a principle, and I would ask the Government not to consider this as a censure motion. We

have been presenting our case year after year to induce the Government to accept the principle that the people living in urban areas, specially in Calcutta, should pay for the upkeep or their efficient and costly police force, and I hope and trust that the Government will accept this view of the situation. Sir, we have been told by Dr. Dutt that some years back a committee appointed by the Government examined the whole question and expressed the opinion that no change should be made. That may be true, but has Dr. Dutt and others realised the rapid change that Calcutta is undergoing in these days? Expansion of Calcutta is going on at such a rapid pace that one does not know how big the city will be in the course of the next few years. The areas opened by the Improvement Trust are being filled up with extreme rapidity, and on enquiry it will be found that a very large number of the East Bengal people, mostly pensioners, have built houses in the lake area and the way in which the people are making Calcutta their permanent home raises the fear that the whole of Bengal will congregate in Calcutta. Will not the cost of the upkeep of a police force necessary for the maintenance of law and order of an ever-expanding city be a very huge one? Will the rump remaining in the villages be able to meet it? Sir, I will finish by giving a timely warning to all concerned. The time is not far off when this House will be composed mainly of the representatives of the people of the rural areas and all concerned may take it for granted that they will never agree to pay so heavily for the luxurious and costly living of those who can afford to pay at the expense of those who cannot. Sir, I hope and trust that the Government will accept the principle underlying the motion.

Maulvi ABDUL HAMID SHAH: (The member spoke in Bengali in support of the motion.)

Maulvi TAMIZUDDIN KHAN: Sir, I rise to support the motion under discussion, but before I enter into the arguments brought forward in favour of and against this proposal, I would like to dispel one idea that is generally given rise to when this motion is annually discussed before the House. The idea is that there is an antagonism between the Calcutta people and the people of the mufassal with regard to this question. But, Sir, there is nothing like that. Calcutta is in Bengal and we who are the representatives of the mufassal are proud of this city of Calcutta. Therefore, when a question like this is raised in this Council, it is not out of a spirit of antagonism that is erroneously supposed to exist in the minds of the people of the mufassal. It is simply a question of justice and fair play. I admit that the way in which this motion is discussed in the Council may perhaps legitimately give rise to an idea like that, but I beg of members who have not yet spoken on the subject but may yet speak in favour of this motion, not to say anything which may help to give rise to such an idea. It has

been said that Calcutta does not pay an adequate portion of the provincial revenues so as to be entitled to the utilization of provincial revenues alone for the upkeep and maintenance of the Presidency Police. I beg to submit, Sir, that it is futile to enter into that question It is extremely difficult first of all to ascertain how much Calcutta pays and how much the mufassal pays. This question will raise other complicated questions which have just been touched upon by my friend Mr. Hamid Shah. As regards the money that Calcutta pays to the provincial revenues, it may be asked where does that money come from? It may be that the money is actually paid by Calcutta, but in the long run that money comes from the pockets of the rural people. Therefore, it seems to me, to be a futile task to try to assess how much Calcutta pays and how much the mufassal pays. That is not the question. The all-important question seems to be this: The mufassal has to pay for its watch and ward in the rural areas and the question is whether Calcutta also should pay for its watch and ward and whether in this respect any difference should be made between Calcutta and the mufassal towns. As Calcutta does not pay at present for its watch and ward, the mufassal towns, too, do not pay for their watch and ward. Therefore, only if any measures are adopted by which Calcutta may be made to pay for its watch and ward, these should contain a provision that the mufassal towns should also pay for their watch and ward. Therefore, so far as this aspect of the question is concerned, there is nothing that can be said against this motion. Mr. P. N. Guha has pointed out that the Calcutta people already pay very high taxes, but, Sir, they pay it not to the provincial revenues but for the upkeep of Calcutta. Whatever that may be, if Calcutta people pay heavily, they also enjoy the amenities of Calcutta life far better than the people in the mufassal who do not pay so much. Therefore, that is no answer to the question which has been raised by way of this motion. Calcutta people are heavily taxed for various things. The maintenance of the Calcutta Police is also one of the most important things which neither this Council nor Government can ignore. Therefore, I submit without prolonging my speech any further that my friend Maulvi Abul Kasem has made out a good case for a thorough investigation into the question including the case of the mufassal towns. With these words I wholeheartedly support the motion.

Mr. S. M. BOSE: I beg to oppose the motion, Sir. I come from East Bengal and also from Calcutta. So I can claim to speak on this motion without any bias either way. This motion is really an attempt to go back to the good old days. As you know, Sir, formerly under the various regulations—Regulation XIII of 1814, Regulation III of 1818, Bengal Act III of 1864, Bengal Act VI of 1858—the watch and ward of certain towns had to be provided for by the towns themselves. But now all that is changed. Municipalities have been relieved of all

charges for the maintenance of the police force within the municipal limits. The motion is really an attempt to go back to where we were a very long time ago. It is not possible, I maintain, to draw any line of distinction between Calcutta and the rest of Bengal; it is one organic whole. Just as we may say that Calcutta feeds the rest of Bengal, we may as truly say that Bengal feeds Calcutta: the relationship is not one-sided but both-sided. There is a natural interdependence between the two. Hundreds and thousands of people come from East Bengal to Calcutta, who pay no tax at all. As Rai Bahadur Dr. Dutt has said, lakhs and lakhs of people come to this city outside Calcutta for the day and go back at the end of the day and they pay no tax at all. Calcutta hospitals, too, are peopled by East Bengal people: they come to Calcutta for treatment and go back to their villages without paying any single pice of tax. The Calcutta High Court, too, is frequented by people coming from outside Calcutta, on the Appellate Side at least, who come for a particular purpose and go away without paying a single pice. It is impossible to maintain quite a hard-and-fast line between Calcutta and the districts. It may, as well, be suggested that the Dacca Municipality should levy a tax for the maintenance of police in the town of Dacca. This will take things back to the good old days when every town had to tax itself for its own police, so that then we should have not only the Calcutta Police, but also the Dacca Police, Mymensingh Police, Barisal Police, and so on, and there would be a good deal of division and subdivision. We have long done away with this sort of thing, and it is too late now for us to go back to those days. Calcutta also has got its uses; for instance, my friend Mr. P. N. Guha who was unknown in Barisal gets himself known by coming to Calcutta. So I cannot say that Calcutta and the mufassal should be kept apart. Our object is to achieve unity, and the idea underlying this motion is to create division and separation, whereas our motto should be unit, in all things. I protest against this tendency and I oppose the motion.

Mr. HASHEM ALI KHAN: Sir, in supporting this motion I beg to submit that the motion is not directed to creating a distinction or separation between Calcutta and the mufassal, but it has been moved only on the principle of justice and equity. Sir, the point placed before the House is whether Calcutta should be treated as a district as the other districts of Bengal are treated, and we find in history that at first it was a district itself, policed like the villages and thana areas. In the mufassal areas the villages are to pay union rates, *chaukidari* tax and other things, and enjoy in return but very little comfort and convenience—practically they get nothing in return. But in Calcutta, without paying any such rates especially for the police, they are enjoying all sorts of comforts and conveniences. There is the Calcutta Police; there are hundreds of men watching the streets of Calcutta

day and night for the protection of the persons and property of its inhabitants, but in villages practically they do not get any help from the police at the time of dacoity and theft, whereas here in Calcutta we have all sorts of precautions taken for the protection of life and property of people who pay nothing for the police, and, as I have said, the rural people pay the cost of the maintenance of their rural police. The pay of the Calcutta Police again is much more than that of the rural police. Now, Sir, the point raised by Mr. Bose is a funny argument which I could not expect from a learned man like him. He says that the High Court of Calcutta exists for Calcutta people. Is it so, Sir? Who pays the High Court? It is the litigant public mostly coming from the mufassal who pay for it in the way of court-fees and other fees. He also said that two or three lakhs of people come to Calcutta daily for their avocations. But, Sir, do they come gratis? Have not they to pay railway fare and do not these fares go to the treasury of the Government? Let the Calcutta people go to the mufassal and contribute their share to the treasury on account of their railway fare. My friend asks whether the barristers of the High Court are paid by the mufassal people. Yes, Sir, so far as they are concerned most of them are maintained by the mufassal people and not by Calcutta people. For when they go to the mufassal what is the high fee that they demand? They demand from Rs. 600 to Rs. 120 per diem. As a matter of fact, there is no question of ill-will against Calcutta, but this motion is brought in only on grounds of justice and equity. The mufassal people can claim as much assistance from the provincial revenue for their police as Calcutta gets for the maintenance of the Calcutta Police.

Dr. Dutt has said that there should not be any invidious distinction for the imposition of a tax upon the people. He referred to the fact that there may be Calcutta people who are men of substance, but that is no reason why they should pay additional taxation. I say, Sir, is there not as a matter of fact any distinction in the imposition of a tax? Look at the income-tax, is it not a graded tax, and have not the men who have big incomes to pay a tax greater than those with a small income? So, Sir, this distinction is there, and what is the harm if we introduce this system here also? They are far richer than the mufassal people. They enjoy much more comfort and convenience than is heard of in the world than the rural people and should pay an additional tax. What is the harm, Sir, in making them pay, because they can well pay it? While introducing the new taxation Bills Sir John Woodhead remarked that consumption of electricity was a matter of luxury and people who can pay Rs. 2-4 for 12 units at the rate of annas 3 per unit could well afford to pay annas 6 as surcharge at the rate of 2 pice per unit. It does not harm them at all. So, also in the case of the Tobacco Bill. Similarly, the Calcutta people who are spending lakhs and lakhs of rupees for their luxuries and comforts

in motor cars, etc., can easily pay an additional tax. There are a big series of motor cars in Calcutta and much money they spend on petrol. The number of motor cars here is so much that the poor village people do not see in the course of their whole life what a man in Calcutta sees in one day. There are also cinemas, theatres and other amusements in Calcutta. These contribute to the enjoyment of life of Calcutta men. As regards the excise duty, if the Calcutta people do want to enjoy life with liquor, they must pay for it, and that is no reason why the mufassal people should pay for this luxury. If the Calcutta people want to enjoy liquor, *ganja* and other intoxicating drugs they must pay for them. With these words I whole-heartedly support this motion and hope and believe that the people of Calcutta should look at the question from the point of view of equity and justice and not because they are going to be asked to pay an additional tax for the maintenance of the Calcutta Police. They should be liberal and come forward in support of this motion, and I also hope Government will remain neutral, so that they may see how this motion is viewed by the House as a whole.

Dr. NARESH CHANDRA SEN GUPTA: It seems that my friend Maulvi Abul Kasem has grown grey and white, but has not learned wisdom by experience. He ought to have known by this time that this motion which is one of his hardy annuals is not likely to find support in this House. He ought to have known that the things against which he protested so vehemently are parts of the profession of every-day life. He thinks that the poor should not be taxed for the benefit of the rich. But the poor always pays the tax and the rich benefit by it. He thinks that the villages which produce the wealth of the country should have the bulk of the benefits out of it and the cities should not misappropriate them, but he can see if he looks round that the wealth is always produced in the villages only to be spent in the cities not only by Government, but by all. People who make money in the villages come and spend in the cities. Well, that is the political economy of to-day. Well, having regard to that, it seems audacious to say with regard to any of the luxuries of the city of Calcutta, that Calcutta should be made to pay something which is commensurate with the benefit which it gets. The village people have got to pay for their own watch and ward. Mr. Bose thought it was a retrograde measure to ask every city to pay for its own police. I wonder that the idea of a centralised police did not appeal to him in its application to the villages. The village people pay their rates for their own benefit, for getting more amenities and three-fourths of these rates is consumed by the village police. That is how the villages are getting on. I do not say that Calcutta should pay the whole cost, and I do not go the whole hog with Maulvi Abul Kasem. It stands to reason to say that Calcutta should provide some more funds than it

pays in the way of those indirect taxes about which Dr. Haridhan Dutt waxed so eloquent the other day. Calcutta should pay a more reasonable part of the taxes. I do not mind how much. You must remember that the Calcutta Police is maintained on its present footing for many special reasons; amongst other reasons for the reason that it is a cosmopolitan city in which the whole world is interested, in which the whole world comes and holds commerce. It has been said that mufassal people come and go and enjoy the benefits of Calcutta without paying any rates; but what about the foreigners who come in ships and go out enjoying the benefits of the Calcutta Police without paying for it. What taxes do they pay to the Bengal revenue? Well, why should not they be made to pay a part towards the maintenance of the Calcutta Police? Why should not Calcutta which has its own problem which gives rise to the necessity of maintaining an expensive Calcutta Police be made to pay a part of it? We should not have raised this question but for the fact that for the purpose of maintaining the Calcutta Police at a very high standard, the funds of the province are starved. The barest necessities of the administration in the mufassal are being denied to them. If that were not the fact, if you had enough and more, we would not have quarrelled about it. I think it is time that the question is looked into in this light and some other sources found out for the payment of a part of the revenue spent on the Calcutta Police than from the general exchequer. To that extent that is a claim of bare justice, and I do not think it is reasonable to shut the door against any such demand.

Mr. K. C. RAY CHOWDHURY: Sir, the general trend of discussion to-day makes it appear, and it has been repeated by all those who have supported the motion, that the rural population and the mufassal people all contribute the bulk of the provincial revenues. But if you analyse the figures of revenue you will find that it is not so. The main bulk of the provincial revenues is derived from three items—firstly, the land revenue very little portion of which I admit and everybody knows is contributed by the Calcutta people; secondly, as regards excise, I shall prove by facts and figures that out of the revenue of Rs. 139 lakhs under this head, about Rs. 60 lakhs is contributed by the Calcutta people in way of consumption of liquor and drugs, as will be seen from the Administration Report.

Now, take the third item, viz., stamps. People know that during the land boom the receipt from stamps was very high and most of it came from Calcutta. A good bit of the Rs. 295 lakhs under this head still comes from the public of Calcutta who buy, sell and mortgage Calcutta properties worth crores of rupees everywhere. The same is the case with the receipts from law courts. I am not speaking of the High Court but of the Small Cause Court, which derives very big

revenue in stamps and court-fees from the litigations of the people of Calcutta. Therefore, judged by the figure this expenditure of Rs. 46 lakhs on the Presidency Police compared with what they contribute is not much. Another point is that Calcutta is the mart of all goods coming from the mufassal to be shipped to foreign countries. They come by rail and steamer. They are stored in godowns in jetties and so the jetty police, traffic police and the dock police play a great part in watching over them. Therefore, policing of the jetties and the traffic justify the expenditure of a large sum of money for maintaining the Calcutta Police. The impression that has been given in this House that the mufassal pays and Calcutta spends is all wrong so far as policing of Calcutta and its expenditure go.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, this is one of those rare occasions on which I find myself in complete agreement with Maulvi Abul Kasem. The proposal that has been brought forward is a very pertinent one and has my unstinted support. It is, to quote the words of the mover himself, one of his hardy annuals. I admire his tenacity of purpose and perseverence with which the Maulvi Sahib has been pursuing the question from year to year. The people of the mufassal have a legitimate grievance in the matter. While the rural people are left to shift for themselves and to remain satisfied with village *chaukidars* to look after them, Calcutta is provided with adequate police protection at the cost of the poor village tax-payer. That Calcutta is a cosmopolitan city and that it is inhabited by all sorts of people from the rest of India and foreigners as well was admitted on previous occasions by the Hon'ble Mr. Reid and his predecessor in office, the late Sir William Prentice. This admission, Sir, strengthens our position. It is, therefore, that we urge with all the emphasis we can command that the cost of the Presidency Police, at any rate a substantial portion of it, should be borne by those who enjoy the amenities of Calcutta life. While I maintain that the inhabitants of this cosmopolitan city should pay for their protection, I equally assert that the urban population in the mufassal should bear the expenses of the city police in their respective areas. I fully agree with Mr. Tamizuddin Khan that the object of this motion is not to bring about disunion between the Calcutta people and the mufassalites. The object of the motion is to give the rural people financial relief, thus to enable them to meet their essential needs, namely, better medical aid, adequate water-supply, primary education, better communications, etc. There are hundreds of such things to be done in the rural areas; I have mentioned only a few. The cost of the Presidency Police is a little less than half a crore, whereas the cost of the village police is something like 80 lakhs. I speak subject to correction: the figures are perhaps

approximately correct. While the village people are made to pay the entire cost of the rural police, there is no reason why the inhabitants of Calcutta should not contribute towards the cost of their own police who give them protection against crime and criminals.

Sir, I need not labour this point further. I would simply refer the House to the discussion that took place on the subject during the Budget Session last year and the arguments that were put forward by the mover of the motion. It only stands to reason that Government should revise their policy in order to enable the Calcutta people to pay for the amenities of their civic life. With these words, I support whole-heartedly the motion now before the House.

Mr. NARENDRA KUMAR BASU: Sir, I have not been able to stand the flow of oratorial attack made against the Calcutta people and cannot help saying a few words in opposition to this motion.

Sir, I have been trying to follow the arguments of my learned friends who have supported this motion, and it appears to me that they have forgotten one cardinal fact. As has been said by one of the previous speakers, Calcutta and the rest of Bengal form one organic whole. And I would ask the gentlemen who have supported this motion to consider this: If the safety of Calcutta were endangered, would the mufassal be able to look at that spectacle without any misgivings in their minds? Do or do not the safety, the wealth, and the well-being of the mufassal depend also on the safety, wealth, and the well-being of Calcutta? They interact on each other. (MAULVI ABUL KASEM: "No.") It is no use for my friend Maulvi Abul Kasem saying "No" He may be saying "No," but in his heart of hearts he knows full well that it is ridiculous to suppose that if Calcutta were to be neglected, the mufassal would not suffer. You cannot neglect one part of the body and hope that the whole system will not suffer. He ought to know that Calcutta is as much a part of Bengal as the mufassal. It is as much logic to say that because His Excellency the Governor resides in Calcutta and not in the mufassal, no part of the cost of his salary should be borne by the mufassal. It is as much logic to say that because the Writers' Buildings are located in Calcutta, the cost of the whole administration should be paid by Calcutta and not be shared by the mufassal. Sir, it is idle to talk about the amenities of city life. The amenities of city life stand on a different footing. So far as the protection, for which the police is supposed to exist, is concerned I do admit that they do not really give us protection in all cases; but the protection such as is given to the lives and properties of the people of Calcutta, for which the Calcutta Police exist, is, I submit, as much important to the mufassal people as to the Calcutta people themselves. As for the argument that the number of policemen in Calcutta is larger

—so much larger proprotionately—than in the mufassal, I would refer to the statistics of crimes committed in the mufassal villages in proportion to the number of crimes committed in Calcutta. Therefore, the number of policemen in Calcutta is larger; and that large number is necessary for the protection of the people in Calcutta. My submission is that by protecting the people in Calcutta, the Calcutta Police is really protecting the interests of the mufassal.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I had no intention of speaking on this motion, but like my friend, the previous speaker, I cannot resist the temptation of speaking on account of the bad logic that he has given expression to. Nobody says that because the Governor or the big officers live in Calcutta, they should get their pay from Calcutta. No such point was raised at all. The question is that the Calcutta Police which is mainly maintained for the purpose of looking after the welfare of the people of Calcutta should be paid mainly by those people—people who get the chief benefit from the police administration. Mr. Narendra Kumar Basu seems to think that if Calcutta loses a lot of amenities, the village people will not look at it favourably. (MR. NARENDRA KUMAR BASU: "Not the amenities.") I wish that if Calcutta were to lose all these amenities and if the people were to go back to the villages, the villagers would welcome them and Bengal would prosper. The benefit perhaps which the villager gets from the Calcutta Police is that when the simple people come from East Bengal, they are protected from pickpockets (MR. NARENDRA KUMAR BASU: "Not Guskara people.") But apart from that most of the activities of the Calcutta Police are confined to the safety of the people of Calcutta, I mean the permanent residents.

Sir, my friend, Mr. Ray Chowdhury, has said about the income derived from Excise. He seems to think that the Calcutta people are the only people who consume excisable articles. I ask: Do not the people who come from the mufassal also contribute to the excise income? Therefore, that argument does not hold good, viz., that Calcutta excise revenue should entirely go to Calcutta.

As regards the police, for instance the traffic police, they do not afford any benefit or protection to the villagers. Therefore, it is only fair and equitable that a considerable portion of the expenditure should be met by the Calcutta people alone. Of course, I do not say that the whole of this expenditure should be met by the Calcutta people, but certainly the bulk of it should be met by them, especially in view of the fact that the villagers pay for the watch and ward staff of the union boards. Why should not then Calcutta pay for its watch and ward? There is no question of competition of rivalry between

Calcutta and the villages. It is entirely a question of equity and proper apportionment of the cost. As the Calcutta people are able to pay, it is only fair that they should be made to pay. This matter has been a hardy annual, but to no purpose. It is perhaps inopportune to bring it up again till we get the Reforms and when these are inaugurated the demand will perhaps be not resisted and considered sympathetically.

Maulvi ABUL QUASEM: Sir, we have heard the case of Calcutta as presented by Rai Bahadur Dr. Haridhan Dutt, Mr. S. M. Bose and Mr. Narendra Kumar Basu.

One strange argument was put forward by Rai Bahadur Dr. Haridhan Dutt. I am sorry I do not find him here at present, but he said, in fact, that the mufassal people come to Calcutta and do not reside here permanently but only make money and go away without contributing anything towards the revenues of the Corporation of Calcutta. I think, Sir, a more mistaken impression could not be given. When mufassal people come to reside in Calcutta to serve in offices, they have got to pay rent and pay either the occupier's share of taxes or both the occupier's and owner's shares of the municipal rates. In other cases, the consolidated rate is paid by the landlord to the Corporation. If these mufassal people do not come to reside in Calcutta, there will not be so many houses to let out, and the coffers of the Calcutta Corporation will not be swelled by the huge amount received in the shape of a consolidated rate of 19½ per cent. from house-owners.

Sir, it has been said by Mr K. C. Ray Chowdhury that the mufassal people, who come to Calcutta only for a day or two, partake of the amenities of city life without paying anything. He, however, forgets that, even owing to these short visits of the mufassal people, the trade of Calcutta is increased to a considerable extent, and from this increase in trade and trademen the Calcutta Corporation do derive a big revenue by exacting licence fees from traders and business-men in Calcutta. So, we cannot accept the idea for a moment that the mufassal people who come to Calcutta for a short visit do not at all contribute towards the cost of municipal administration of Calcutta. Can it be argued that the Calcutta people contribute in the same appreciable way to the well-being and comfort of the mufassal people? The answer is an emphatic "No". It has been said, Sir, that since you do not charge the other municipal towns of Bengal for the cost of the police administration, why should Calcutta be charged for the same? The real reason appears to be that Calcutta being a modern city has got problems with which the problems of any district town cannot bear any comparison. The Calcutta Police costs such a huge figure, as Rs. 43,26,000—it is indeed a very huge sum. If the amount were not

so very big, possibly no objection would have been raised by anybody. It is admitted on all hands that Calcutta is inhabited by many rich people possessing untold treasures, and these treasures have got to be guarded and special patrol has to be provided during all hours of the night to guard them. The Calcutta citizens drive about in luxurious cars and for them the traffic has got to be regulated and special police provided. Well, Sir, I can only imagine one benefit—the only one tangible benefit—which is conferred by the Calcutta Police; and what is that benefit, Sir? The benefit is that the Calcutta Police prevent the poor village rustics from being run over by the motor cars in Calcutta; and that is the only benefit, I imagine, that is conferred on the poor rustics who come to Calcutta from the villages and who stand agape with wonder at the palatial buildings in Calcutta. Well, Sir, it has been said that no antagonism should be allowed to be "created" between the mufassal and Calcutta; but, I believe, that those who oppose this motion are really bringing in that antagonism. If Calcutta citizens can afford to pay such a large percentage of 19½ by way of consolidated rates, I think, Sir, they are certainly in a position to bear a substantial portion of the huge cost of the police administration of Calcutta—if not the whole amount, at least a good portion, as I have already said—seeing that the benefit that is conferred upon the Calcutta people is not shared to any appreciable extent by the mufassal people and that the villager has got to pay for the village police. From whatever point of view the question is looked at, one cannot but come to the irresistible conclusion that at any rate a very considerable portion of the cost of the Calcutta Police should be borne by the citizens of Calcutta.

With these few words, Sir, I cordially support the motion.

(The Council was then adjourned for 15 minutes.)

(After Adjournment.)

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, the discussion that has taken place on this motion is really amusing. It has given the House the idea that the taxation that is in vogue at present is not based on right grounds, and all that has been said so far amounts to this, that the Calcutta people are lightly taxed and that they should bear the burden of taxation more. But what I wonder at is this: If we had a normal Budget with no deficit in it and if we could have shown a new source of income to the Government from which more money could have been found, that money could have been spent for the good of the people. Supposing we now suggest that there should be a further taxation on the wealthier section of the Calcutta people, that they should pay more revenue as a whole

what would be the effect? We have a deficit Budget of Rs. 46 lakhs, and the moment this 46 lakhs is collected from the Calcutta people, the clever Finance Member will at once say that this is the best time for him to intervene and balance the Budget. So, how the mufassal people will be benefited by taxing the Calcutta people further I do not know. In spite of all that has been said by the mufassal people, I do not believe that the time is opportune for the House to decide that Calcutta should be taxed simply for the purpose of balancing the Budget and not for getting something out of it for bettering the condition of those people who say that their circumstances ought to be bettered. That being the case, I think, in the interest of the province as a whole it is better that we should keep quiet now. We know as a matter of fact, and it has been said often and understood by all of us, that when the new constitution comes into operation, whatever be the deficit in Budget or loan of this Government, although it will be defunct then, it will be wiped off by the Government of India. Supposing we have a deficit Budget as at present and continue it for 2 years more and make the deficit a crore and then do not pay it, it does not harm anybody. So, why should we cut the throat of Calcutta and get a balanced Budget and enable my friend, the Finance Member, to say, "Look here, I have got a balanced Budget; I have done this; if you have the power, you avail yourself of it." Therefore, I would request you not to press this motion further. Sir John Woodhead was carefully listening to what was being said in this side of the House with regard to a new source of taxation. He has got some clue, but I do not think he will be able to take advantage of it during his time. Probably my friend, Nawab Faroqui, would be the next Finance Minister and he might think of getting some more money out of Calcutta and running the administration with it. However, I do not think any attempt should be made on our part to balance the Budget and I would simply keep it as it is.

Mr. C. C. COOPER: I was greatly surprised to find that my friend Khan Bahadur Momin, a prominent citizen of Calcutta, should speak in support of this motion. He accused Mr. Narendra Kumar Basu of want of logic, but I was not able to follow the logic or the arguments of my friend Khan Bahadur Momin. This motion to my personal knowledge has been discussed for at least six or seven years. As a matter of fact I looked up the arguments that had been advanced for and against over this period of time and I found that the same people have said exactly the same thing time after time and again, producing no new arguments. My friend Maulvi Abul Kasem was always an active supporter of the partition of Bengal. We now find him to be an active supporter of the partition or separation of Calcutta from the mufassal. I do not quite know what will happen if the mufassal discontinues its connection with Calcutta on whom it

depends for its trade. I think it goes without dispute that the bulk of the taxation that Government derive from Bengal is taken out of Calcutta by various ways and means. If the mufassal had to rely on their own taxation, I am afraid they would be very much worse off, than they are at present on nation-building projects. I do agree that it would be a very good thing if Calcutta did not have to spend so much money on the police, and I know my friend, Sir John Woodhead, would wish this to be the happy case because then he would get a better balanced Budget. But one thing we seem to forget. Supposing we were able to spend less money on police in Calcutta, are we going to allow it to go to the mufassal? The money should be spent very much to better advantage on hospitals, and I should like that the bulk of the money which is now spent on the police should be spent on the hospitals in Calcutta. The hospitals do provide a more than useful purpose for the mufassal and Calcutta alike. I think the whole argument, as far as I can understand, is that if Calcutta spends less on police, there would be more money to be spent in the mufassal. I think the whole argument is misconceived. On behalf of my party I oppose the motion.

The Hon'ble Mr. R. N. REID: Sir, this is a hardy annual, but it is perfectly clear that it is an annual in which a great deal of interest is taken. It is also clear that it is a subject in which there is nothing like any consensus of opinion. I use that expression because it was the expression which I used last year when replying to a similar motion. It is perfectly clear that there is a very sharp divergence of opinion, and the arguments which can be used on either side for and against the proposal that Calcutta should pay in whole or in part for its own police are almost infinite. Secondly, as Khan Bahadur M. A. Momin has said I do think it is a question whether the present time is appropriate to consider this problem. It is obviously a matter which the future Government under the new constitution will probably take up with considerable vigour and interest. What the result will be it is difficult to forecast. I should think that any Government which undertakes to endeavour to make Calcutta pay either the whole or a considerable portion of the cost of the Calcutta Police will be faced with a considerable amount of opposition from all quarters. I can only repeat, as I did last year, that Government feel bound to oppose this motion, because in the first place it is a motion to reduce the grant under a certain head, a grant that has been estimated on the understanding that things as they are will go on, and obviously we were not in a position to accept a reduction.

I would repeat the words I used on the previous occasion, that is, what was said in 1929 when Sir Arthur Moberly spoke on this question, that if there is a consensus of opinion that some change should

be made, Government would feel bound to go into the matter and examine it. And as a matter of fact I can say now that I shall be glad to collect figures and see what the thing looks like anyhow, with a view to having some information and some facts and figures to put before the new Government when they take office at some unknown time—a few months or a few years hence—not years, of course, but a few months hence. I beg to oppose the motion.

The motion of Maulvi Abul Kasem being put, a division was taken with the following result:—

AYES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Banerjee, Babu Jitendralal.
Barma, Babu Premhari.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Rural Ahsan.
Faziullah, Maulvi Mohammed.
Guha, Mr. P. N.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Mohammad.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Hashem Ali.
Khan, Maulvi Tamizuddin.
Maiti, Mr. B.
Momin, Khan Bahadur Mohammad Abdul.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray, Babu Amulyadhan.
Ray, Mr. Shanti Shekhareswar.
Raut, Babu Hossni.
Ray, Mr. Sarat Kumar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Armstrong, Mr. W. L.
Bal, Rai Sahib Sarat Chandra.
Basu, Mr. Narendra Kumar.
Benjamin, Mr. N. D.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chaudhuri, Dr. Jogendra Chandra.
Chokhany, Rai Bahadur Ram Dev.
Cohen, Mr. D. J.
Cooper, Mr. G. G.
Das, Babu Gurupreead.
Dutt, Mr. G. S.
Dutt, Rai Bahadur Dr. Hariohan.
Faruqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Ferguson, Mr. R. H.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Homan, Mr. F. T.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Lamb, Mr. T.
Lesson, Mr. G. W.
Maguire, Mr. L. T.
Martin, Mr. O. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brajendra Lal.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mahendra Behary.
Nag, Reverend R. A.
Nag, Babu Suk Lal.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hanuman Prasad.
Raheem, Mr. A.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Reid, the Hon'ble Mr. R. N.
Roy, Mr. Saileswar Singh.
Roy, Chaudhuri, Babu Hem Chandra.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. S. R.
Steven, Mr. J. W. R.
Townend, Mr. H. F. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Sir John.

The Ayes being 33 and the Noes being 55, the motion was lost.

Mr. P. BANERJI: Sir, I beg to move that the demand of Rs. 43,26,000 under the head "26A—Presidency Police" be reduced by Rs. 100 (unrestricted gambling in Calcutta.)

Sir, you will naturally ask me why this time I have not given any cut motion or rather why I abandoned the traffic police. My point is that there has been a considerable improvement or rather marvellous improvement in the traffic police. When I used to discuss the activities of the traffic police some members criticised me and even went to the length of saying whether the police would abdicate in favour of Mr. P. Banerji? This time, Sir, I have news for them and would tell them in fact that the police have abdicated and as a result the improvement achieved is marvellous and on that account I must congratulate the Hon'ble Member in charge of Police. The Hon'ble Member also said two years ago that it was not possible; last year I partially congratulated him, but this year I congratulate him wholeheartedly so far as the traffic police is concerned. So far as traffic arrangements are concerned it seems that these arrangements have been made over to the charge of the Bus Syndicate and their arrangements with the police have been marvellous. The Hon'ble Member has taken such steps that even in January this year two sergeants were dismissed for bribery and corruption reported by the Bus Syndicate. Now, having said that, I may now turn this time to the unrestricted form of gambling going on in Calcutta and here also I expect that in the near future the Hon'ble Member will take the necessary steps in the matter so that there may not be any further complaints next year. To begin with, Sir, I will divide my motion into three groups—one, private houses of big people and clubs; secondly, bucket-shops and thirdly, regular gambling dens. So far as these private houses of big people and clerks are concerned here it is well known that some gambling is going on there like bridge, poker and in some cases I know even shandyfair. I leave these out for the present as I know that it is not possible for the police to approach these houses or clubs and even if any direction is given to the police, they will not go anywhere near them. That is my one reason, and my second reason is that in this case Mr. Ross is not here but Mr. Ross's friends will find themselves amongst those companions for whom first class hotel accommodation has been arranged for by Government. Therefore, on these two gounds I leave this out for the present. My second point is bucket-shop gambling. There is legalised gambling going on mostly by servants, cooks and other people of smaller means. This can also be stopped if the police go about their work very strictly. This could have been avoided if my proposal of dog racing or the proposal of donkey racing of my friend Mr. S. M. Bose had been accepted by Government. But the Government maintain that it is very difficult to stop the gambling instinct in men. Government is always prepared

to remove anomalies and it is an anomaly (that big people escape while lesser people are punished). The Duke of Atholl in the House of Lords said that it is really an anomaly that big people who can balance their accounts by payment of cheques in totalisators are not punished in any way for their action, while for the same action their clerks and servants get punished. I would leave this also for the present. My third point is public gambling dens kept by people of all denominations—Europeans, Chinese, Muhammadans and Hindus.

Sir, I will begin with the Chinese quarters of Calcutta. You will remember that in the course of the Budget debate I wanted to present a picture of the gambling den, but I was then declared out of order. Now, I will explain the position. This is a den in Blackburn Lane known as the Tung Wang Club. It was raided by the police on the 4th of February, 1935, which was the Chinese New Year's Day. But the funniest part of the whole thing was that although the proprietor had on that occasion obtained the permission of the Commissioner of Police to gamble, it was raided. I may mention here that there are also other clubs in that place, one of which is run at 16, Blackburn Lane, by a man named Akong in three names. This club has now been shifted to another house to avoid detection by the police. It will be apparent that these clubs are a source of income to the subordinate police officers. Otherwise, why should the club which had obtained permission of the Commissioner of Police be raided? I may also mention that during the raid a free fight ensued with the result that the head of a police sub-inspector was broken and he had therefore to be away from duty for about two weeks. Sir, my contention is that the raid was made by the police as the proprietor having obtained permission of the Commissioner of Police to gamble had refused to pay any illegal gratification to them. This is a case of the Chinese quarter. Then, Sir, I will mention about other dens in the Bowbazar Street which are run by a person named Hashemi. There also these dens thrive well under the protection of the police and go on changing names. Whenever any raid is contemplated, they are informed about it by the subordinate thana officers, and they at once shift from the place and the house is found vacant. My information is that they take rooms in some of the brothels which have sprung up recently in the Bowbazar Street. It is said that the police is making great attempts to stop bead gambling, but I can tell you, Sir, that it is going on merrily in the Chinese quarters and are called the Zoo and the Ingo. I am of course glad to find from the Administration Report that there were only four cases of bead gambling detected. One of these bead gambling dens was near the house of a Deputy Commissioner of Police, and when the proprietor was hauled up in court it transpired that it had been there for more than a year. So, you see, Sir, these dens go on under the very nose of the police. In the Beniapuker quarter of the town there is a gambling den which is very close to Mr. Suhrawardy's place and

which is run by some Europeans. Although I admit the police have detected some cases, there are still many such dens flourishing all over Calcutta. Sir, the Detective Department in most cases is reluctant to investigate into these cases because they feel that by doing so they will incur the displeasure of their brother officers in other departments and so allow the enquiry to be held by those people under whom these things thrive. Therefore, Sir, there is no other alternative left but to ventilate and discuss these things here on the floor of this House. So far as the carnivals are concerned, Calcutta may be said to be free from these pests, and I congratulate the Hon'ble Member on that account. There is, however, one which was opened on the 17th of this month. I would request the Hon'ble Member to kindly make enquiries into the matter, as gambling is still going on in the outskirts of this city and particularly near the Howrah station.

With these words I commend the motion.

The Hon'ble Mr. R. N. REID: Sir, I am sure the House has been greatly entertained by the interesting lecture which Mr. Banerji has been able to give us based on his profound knowledge of the underworld of Calcutta. Apart from that I have been trying to suppress my blushes on the praise which he showered upon the police to-day and to which I am unaccustomed. He referred to the marvellous improvement in the working of the Calcutta traffic police. But he took a little of the gilt off the ginger-bread when he said that it was due to the fact that the traffic police have abdicated in favour of the Bus Syndicate. Well, I cannot agree that the traffic police have abdicated. But on the other hand I do know that the Commissioner of Police has worked in consultation with the Bus Syndicate and has received considerable help from them in organising bus routes and bus traffic generally. It is a little too sweeping to say that the marvellous improvement in the traffic police is due to its abdication in favour of the Bus Syndicate. But in any case the traffic police do control the bus traffic as well as all other kinds of traffic. I am very glad that a member of the Legislative Council, who is so much interested in bus traffic, has been able to say that there is improvement in the arrangement of bus traffic. But Mr. Banerji's main theme was the question of gambling of all sorts of which he was displaying such an intimate knowledge. Gambling of course—and to-day Mr. Banerji is one with me in that opinion, though he changes his opinion on gambling from time to time—is a thing which we condemn and which we do not countenance as far as we possibly can. The sort of gambling to which Mr. Banerji refers is of a most undesirable kind I know, and the Commissioner of Police does endeavour to put it down as far as possible. It is a difficult problem and certainly the subordinate police, who may have to do with these low-class gambling dens, are, one must realize, exposed to some amount of temptation and sometimes they succumb to it. That is the kind of

thing which the superior officers of the police force have considerable difficulty in detecting and also in putting down. At the same time, Sir, the Commissioner of Police will not tolerate that sort of thing; and I know that when he discovers any of his subordinates committing any offence by conniving at gambling or taking illegal gratification, he will not hesitate to get rid of them.

Sir, I listened to him with a certain amount of bewilderment in regard to his remarks regarding the Chinese Club. I do not propose to comment on it, because I am afraid I could not follow what his real point was. I do not believe that the Commissioner of Police ever gave permission to the Chinese to resort to gambling on the Chinese New Year's Day. Anyhow, Sir, all I have got to say on this particular matter is that if gambling is going on in Calcutta— and it does go on— the police as a whole do not countenance it; and I know that if Mr. P. Banerji would give the Commissioner of Police the benefit of his knowledge of these different gambling dens, the former would certainly endeavour to suppress these evils.

Sir, I beg to oppose the motion.

Mr. P. Banerji's motion was then put and lost.

Babu AMULYADHAN RAY: Sir, I beg to move that the demand of Rs. 43,26,000 under the head "26A—Presidency Police" be reduced by Rs. 100.

Sir, at the very outset I may tell the House that we have no grievance individually against the Hon'ble Member. On the contrary, whenever we have represented our grievances, he has carefully considered whatever we placed before him. The wrong lies in the policy followed. It is common knowledge that the present policy regarding appointments from the scheduled castes is entirely inadequate to suit our purposes inasmuch as we are now only a fractional part of that generalised term, viz., "minority communities and backward classes" for whom one-third of the appointments have been promised; but not always accorded. Therefore, my submission to the House would be that the depressed classes should no longer be treated as a fractional part, as I have already said, of that generalised term "minority communities and backward classes." In matters of representation in public services our claims should be separately recognised, as in the legislature of the future constitution, by reserving for our community on the basis of population a definite percentage of vacancies in all the departments out of the number available for the Hindus as a whole. This is the policy which should be followed by Government immediately.

Then, Sir, I shall come to another aspect of the question. What I wish to submit to the House is that the words "Scheduled castes" should be substituted for the words "Backward classes." We all know

that on the 4th of July, 1934, a circular was issued under the signature of the Hon'ble Mr. M. G. Hallet. In that circular even no mention could be found of the "Backward classes." The authorities at Delhi have recognised the claims of the depressed classes and not of the backward classes. Therefore, from all points of view it is fair and just that it is only the scheduled castes which should be recognised in matters of representation in public services as in the future legislature.

Then, Sir, I shall come to another point. The Hon'ble Member himself knows that a circular was issued on the 28th April, 1931, regarding ministerial appointments from the scheduled castes. So far as that circular goes, it is being treated so far as appointments to the Calcutta Police are concerned as a dead letter. It may be said by the Hon'ble Member that our number is very small in the city of Calcutta. However, Sir, the city of Calcutta belongs to the whole of Bengal. Therefore, so far as ministerial appointments to the Calcutta Police are concerned, it should be seen that the circular be followed in future strictly in all the offices of the Calcutta Police.

Then, Sir, I would make another request to the Hon'ble Member. It is not possible for us to know exactly whether the circular is actually followed or not. Therefore, my submission is that annual returns as prescribed in that circular should be available to the recognised and registered association of the scheduled castes, I mean the All-Bengal Depressed Classes' Federation, so that we can see whether the circular is observed or not.

Lastly, I would request the Hon'ble Member to direct all the recruiting authorities to communicate to that body whether any depressed class vacancy is likely to occur as is done in the case of Muhammadans and occasionally in our case. That is the policy, I submit, should be followed by the authorities.

Now, Sir, it has been said very often that there is a dearth of candidates from our communities. Undoubtedly, Sir, the fact is otherwise. Hundreds of our suitable educated candidates are still without employment and we are not in want of qualified candidates.

Then, Sir, even in the Calcutta Police we had year before last two candidates, one of whom was selected by the Selection Committee, but ultimately he was not appointed. Then, last year there was a candidate for the Bengal Civil Service who stood high in order of merit, and although he did not get any appointment in the Bengal Civil Service he ultimately got an appointment in the Excise Department. Even that candidate who stood high in order of merit amongst the successful candidates for the Bengal Civil Service was not found suitable by the Selection Committee for recruitment as a Sub-Inspector of Police in Calcutta.

With these few words, I commend my motion to the acceptance of the House.

Rai Sahib SARAT CHANDRA BAL: Sir, the policy followed by the Government in matters of recruitment in the Presidency Police Force is not known to the public, so my speech may not be palatable to the Hon'ble Member in charge of the department.

Sir, in matters of recruitment in the Presidency Police Force the Government seem more orthodox and more jealous to safeguard the interest of the non-scheduled castes of Bengal than the *Tol Pandits* at Nabadwip who before the year 1934 reserved to the *Brahmin*, *Baidya*, *Kayastha* and *Kshatriya* the sum of Rs. 6,000 given by the Bengal Government to be distributed among the students reading Naya and Smriti. The mentality of the *Tol Pandits*, I am informed, is forced to be changed and now that stipendiary allowance is made open to all students reading Naya and Smriti irrespective of caste and creed. But, Sir, policy of the Bengal Government in matters of recruitment in the Presidency Police Force is not changed even after the year 1934.

Sir, may I know from the Hon'ble Member why the scheduled castes are not recruited in this department? I would most respectfully appeal to the Hon'ble Member to inform whether there is any Sub-Inspector or constable belonging to the scheduled castes in this department. The reply to this question, I think, will be in the negative.

Now, Sir, what may be the probable reasons for not recruiting the scheduled castes in this department? In the first place, it may be that suitable candidates belonging to the scheduled castes are not available.

Sir, I know personally that many graduates not to speak of undergraduates belonging to the scheduled castes who possessed a very strong physique applied for the post of Sub-Inspector of Police. I know that many young men were selected for appointment as constables but owing to some unknown reasons they were not appointed. Sir, if the Hon'ble Member be pleased to have a look at the list of candidates of the scheduled castes who applied for appointment in this department, he will find more than a dozen applications, but how is it that not a single one was appointed? The Hon'ble Member may say that there were applications, but they were not found medically fit. To this I must say that the scheduled castes have got Deputy Magistrates, Sub-Deputy Collectors, Sub-Inspectors and Munsifs who were so appointed after medical examination. But it is strange to find that they could not send one even to be medically fit in this department. Therefore, Sir, the argument that qualified candidates are not available cannot stand.

Secondly, the Hon'ble Member may say that they have got a circular just as they have issued a circular instructing the district authorities not to recruit *Namasudra* constables, specially in the Arms Force.

Sir, may I know from the Hon'ble Member the gravity of the charge that led the Government to the issue of the circular which has directly affected the caste whose population is more than 25 lakhs in Bengal? I am informed, of course I am ready to be corrected if the information is false, that a party of constables was sent at Chittagong and there they were out of control, but the circumstances under which they did so is not known to me. Now, Sir, is it fair and just that for the fault of a particular constable a caste whose population is more than 25 lakhs deserve such punishment? Now, Sir, if the action of the Hon'ble Member is justified, may I know what action the Government has taken against those castes, the young men of which have taken part in terrorist activities? Sir, we do not find that, because the Government dare not to take any step on that line against the strong but very quick to take action against the loyal and the weak, the *Namasudra*. They were faithful and loyal during the civil disobedience movement and the Government has given a fit reward. I am further informed that after the issue of that circular, District Superintendents of Police (specially in the district of Faridpur) did not recruit ordinary constables even in the District Police Force. I shall be highly thankful if the Hon'ble Member be pleased to take a note of the fact and enquire into the matter and know definitely the number of *Namasudra* constables recruited in the district of Faridpur during the last year and current year. If he enquires, he will find, I think, that not a single *Namasudra* has been recruited and the general ratio of recruitment of *Namasudra* constables in the District Police Force in Bengal has abnormally come down after the issue of that circular.

That is the position of one of the loyal castes of Bengal, and I wish to know the position of the scheduled castes generally of Bengal in the Presidency Police Force.

Now, Sir, let me come to the point I have already referred. That the Hon'ble Mr. Reid who is in charge of the Police Department is more orthodox and more jealous to safeguard the social sentiments of the Hindu police officers in the Presidency Police than even the *Tol Pandit* at Nabadwip (who before the year 1934 managed to reserve the sum of Rs. 0,000 for the *Brahmin*, *Kshatriya*, *Baidya* and *Kayasthas* only). I am informed that for want of separate cookshed the scheduled castes of Bengal are not recruited in this department. Am I to believe that failure on the part of the Government to provide cooksheds amounts to a disqualification on the part of the scheduled castes of Bengal seeking appointment in this department? Is the Hon'ble Member of opinion even to-day that so long that disadvantage stands these castes are not to be recruited. Why are the Government so afraid of the Hindu police officers in this department? Has the Government been ever bold enough to take any definite steps to test the feeling of the non-scheduled Hindu officers? Can he cite a single instance in which the non-scheduled officer refused to live in the same

quarters with a scheduled caste officer, or is it a fact that the Hon'ble Member has been convinced by arguments that there will be disaffection if these castes are recruited? May I know how long the Hon'ble Member will be under that delusion? Will he wait till the Bengal Government has got a balanced Budget or will he be bold enough to take a definite step with a strong hand on this direction and remove a long-standing disability and be a friend of the scheduled castes of Bengal?

Every year the Police grant increases, and every year the House gives its sanction to it. How is it that the Hon'ble Member does not come before the House for an additional grant for the construction of cooksheds?

This shows that the Government is very inactive, but I pray that the Hon'ble Member be more active and take such steps that may facilitate the recruitment of the scheduled castes in this department. Justice demands it, and I am strongly of opinion that the Government may be rightly justified if they reserve some appointments in this department for the scheduled castes.

Sir, I came to know that it is the desire of the Bengal Government to raise the numerical strength of Muslims in the District Police Force to 50 per cent. of the total strength. As a result in some districts only Muslims are now recruited in the District Force. If the Hon'ble Member be pleased to take a statement of present recruitment from District Officers, he will come to know of what I have said. Now, Sir, if it is the policy of the Government to recruit on communal line, I find no harm on the part of the Government to reserve some appointments in this department for the scheduled castes who are nearly 50 per cent. of the total Hindu population in the province. With these few words I support the motion moved by Mr. Roy.

Babu PREMHARI BARMA: Sir, I whole-heartedly support the motion of Mr. Amulyadhan Ray for recruiting scheduled castes in the Presidency Police. Sir, though the number of scheduled castes in the Presidency is considerable, it is really regrettable that Government do not look to the legitimate claims of the scheduled castes who require encouragement and impetus for their education and progress by giving them some Government appointments. Sir, it is necessary that a certain percentage of appointments in the Presidency Police should be reserved for the scheduled castes. If this is not done, it is simply impossible for the scheduled castes to get any appointment having regard to the very low progress in education amongst them. I appeal to the Government that the Government should not only sympathise with the very backward condition of the scheduled castes, but should really do something tangible for the uplift of the scheduled castes.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I am rather at a loss to appreciate the objective of the motion moved by my friend Mr. Amulyadhan Ray. He has no complaint against the Government He said that the Government deals with all the complaints that are raised by the scheduled castes with sympathy and consideration, but he complains that in reserving appointments Government puts the scheduled castes along with other backward communities, and Mr. Amulyadhan Ray infatuated with the love of the schedule which has recently been brought into existence is showing himself too anxious to keep back the benefits from other backward classes for the benefit of the schedule. What is this schedule after all? The scheduled castes are castes which have been placed in the schedule in consideration ultimately of their backwardness. There is nothing else to justify the scheduled castes being placed in a class by themselves. If there are other backward classes who for one reason or another have not been placed in the scheduled castes or who do not like to be placed in the scheduled castes class, is there any reason why any appointment which Government might make should not go to those classes, but should go only to the favoured classes who are fortunate to find their place in that sanctified schedule? I do not understand the meaning of it The principle upon which certain appointments in Government service are based is different now from what it was in early days. In those days the principle adopted was to give encouragement to backward classes in respect of education by giving them appointments and to help them also in recovering their economic position in society by means of entry into public offices. Those were the principles upon which this thing was recognised at the outset. Since then the times have changed and now the claim that has been put forward is that the people who are backward should be promoted to positions of eminence to which they may not be strictly justified by their merit; not merely that, but that for the very reason of their backwardness they should be given a proportionate share in appointments in proportion to their population. That is the new principle which has been encouraged in recent times. I have very great quarrel with that principle, but for the present I am not concerned with that. If you do that, does it stand to reason that all persons, who happen to be backward in the sense that they are economically backward, or educationally backward should not be shown the same consideration as other classes who happen to have been scheduled for a different purpose, for electoral purpose Why? Mr. Amulyadhan Ray or the other gentleman who has spoken in support of the motion has not explained the reasons why other admittedly backward classes should be excluded from the privilege of appointments which have so far been reserved for the backward classes generally.

Babu AMULYADHAN RAY: What does the Poona Pact say?

Dr. NARESH CHANDRA SEN GUPTA: The Poona Agreement may be a most sacred thing to Mr. Amulyadhan Ray, but it is not so to me. The Poona Agreement is a thing about which it would be most advantageous for them who have taken advantage of it to speak the least. I suppose the Government must be convinced in the heart of their hearts by this time what a source of mischief has been the recognition of this new principle of making appointments in public services not in accordance to the requirements of the services but in strict proportion to the population of certain communities classified according to natural or artificial system of classification. Mr. Amulyadhan Ray's motion is one of the illustrations of the excesses to which it might go, but I submit that Government ought to take up courage and fight this tendency to exclude the backward classes other than the scheduled castes from the benefits which the Government keep reserved for the backward classes. I am not speaking of the benefits of the caste Hindus. They can take care of themselves. I do not care how many of the caste Hindus get appointments so long as efficiency is maintained. But if you do show preference to backward classes, let it be shown to all really backward classes who are economically and educationally backward. To my friends who have times without number come before the Council with petitions for Government appointments on behalf of their community, if I may give them an advice, I should say that if half the time and attention which they devote to secure offices for the educated classes of their community were devoted for the benefit of the large section of the poor community whom they represent, to alleviate their economic distress in other ways than by seeking appointments in the Government service for the educated minority of these communities, they would be doing a lasting good to their community and their country.

With these words I oppose the motion.

The Hon'ble Mr. R. N. REID: Sir, the chief point in Mr. Amulyadhan Ray's speech was his demand that a definite percentage of appointments based on population should be reserved for the scheduled castes. That, Sir, is a proposition which was debated upon at considerable length some weeks ago on a resolution moved in this House. I cannot remember whether Mr. Ray was the mover of that motion or somebody else. Anyhow, I cannot but repeat what I said then in reply. The first point I made was a practical one, and that was that if you were going to give appointments to the scheduled castes on a purely percentage basis based on the relation which the total population of scheduled castes bears to the whole population of the province, then you would land yourself in difficulty. Not only will you have to reserve a percentage of appointments on that basis for the scheduled castes, but, if you want to be fair, logically you have got to carry that principle right through the whole of the administration. You will

have not only to reserve appointments for the scheduled castes, bu you will have to reserve appointments for every subdivision of th whole population, that is, scheduled castes, caste Hindus and for ever other caste. This attempt to reserve a certain number of appointment to a certain class of population is based on the principle that it is good thing to have representatives in the public services of all classe of the general population, and it is on that ground that Governmen have endeavoured as best as they can to reserve a certain number o appointments for the scheduled castes or others. But we must no carry that too far and I think we should always bear in mind that— and it is a thing which a great many people are apt to forget—tha this reservation should be and in fact must be a temporary expedient It is like your system of reservation of seats for certain communitie and communal representation. That also is a thing which one hope is a temporary expedient, necessary to-day, but we hope not necessar in the future. Similarly in the case of appointments to the publi service. It is a necessary expedient, desirable at the present moment to assist certain classes of the population who, for various reasons, ar backward in education and have not had the same opportunities a other sections of the population. It is a good thing now to reserv a certain number of appointments to them but it is not possible, nor i it desirable to apply, a mechanical percentage basis for these appoint ments.

Rai Sahib Sarat Chandra Bal asked me a tremendous lot of ques tions, which I am hardly in a position to answer straight off, but I think he was referring to the *Namasudras* chiefly. He started off by saying that some of his remarks would be unpalatable to me but he must forgive me if I too say things, though not intentionally, which may be unpalatable to him also, that is, Sir, as regards the *Namasudras* As he very well knows, it was, I think, in 1930 that the late Mr. Lowman, the then Inspector-General of Police, asked Government for permission to recruit a certain number of *Namasudras* into the Armed Police. He was very keen to make the experiment and Government permitted him to do so, but there is no disguising the unpalatable fact that they were not a success. It is quite a simple matter. Certain persons are naturally suited for certain occupations in life and certain persons are not, and as it turned out, the police officers who had the training of these men and who had the administration of them when they were sent out to their districts, come quite clearly to the conclusion that they were not suited for police work in the Armed Branch and that is all there is to say about it. They were not very amenable to discipline and there was the difficulty over cooking arrangements, quite a real difficulty. Mr. Bal may say that Government should keep them always at the same *thana* and not transfer them, but it is not a practical proposition, for you want to be able to move your men about wherever they are needed and you want them to be able to work

together with their fellow-constables without any difficulty of separate arrangements for food, or the like. And to suggest, as Mr. Bal has suggested, that the *Namasudras* were condemned as useless simply because they failed in one or two particular cases in Chittagong is pure nonsense. It is perfectly true that there was an incident at Chittagong, I think in 1931, in which certain men of the community did get into trouble, but that has nothing whatever to do with the final decision not to recruit any more *Namasudras* into the Armed Police. But, Sir, in general I wish to say this: That Government are not unsympathetic—far from it—to the aspirations and deserts of the scheduled castes, and that they do endeavour within the limits of their power to accept for service in the police as well as in other departments men of these classes who are otherwise suitable. After all, we have got to consider the question of public advantage as well as the aspirations of a particular class of the population, and whatever the special arrangements which may be made for the recruitment of a particular class of people, for the reservation of a particular number of posts and the percentage of posts in a particular service for a particular class, always have to impose the one condition that they are fit for the public service. It may be that the candidates to whom my friends have referred, though they may be graduates or under-graduates, were not in fact suitable or were in fact less suitable than their fellow-candidates of other communities for these posts. But on the other hand, as I said before, Government recognise that it is important to have representatives of all kinds and classes of the population in the public service and they have no intention and, in fact, it is quite wrong to suggest that Government are in any way hostile to the just demands of the scheduled castes. I hope, Sir, that with this assurance the mover will perhaps withdraw his motion.

Babu AMULYADHAN RAY: I beg leave of the House to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Mr. S. M. BOSE: Sir, I beg to move that the demand of Rs. 1,50,000 under the head "26B—Superintendence" be reduced by Rs. 100 (increase of expenditure).

Sir, I have listened with great care and interest to the very illuminating remarks made by the Home Member last Saturday when introducing this demand. He needs no assurance from the non-official members of this House that none will grudge him any necessary expenditure to combat terrorism. We, one and all, are agreed on that point. Pressure must not be relaxed, but must be kept up on all fronts. Eternal vigilance is beyond all question called for. We agree

that this evil-like canker is eating into the heart of Bengal, and it must be eradicated root and branch. I agree with the Hon'ble Member when he says that the position must be maintained, that the forces of revolution and disorder are still there, still ready to take advantage of any weakness or relaxation. In answer to the natural question why there is an increase in expenditure, the Hon'ble Member told us last Saturday, that if Government were to pursue the policy of maximum damage on the enemy who were still active and still ready to hit back Government must not only continue the precautionary measures but also endeavour to increase expenditure if necessary and that it would not pay, he said, to stint expenditure which was, according to him, in the nature of an insurance, and where risks were so great, he said, the premium must be proportionately greater. While expressing my admiration for this happy language, I beg leave, with some diffidence, to bring forward this motion. I appreciate the efforts Government have been making to attack the enemy on all fronts, by direct measures to arrest the evil and to check the growth of recruits, as well as by indirect measures to find employment and keep the minds of the youths engaged in games, etc. There has been a very healthy reaction, and times are now propitious; so it is rather difficult for us to appreciate why the expenditure budgeted for next year is much heavier than that of the previous year. In this connection, I may be allowed to quote a few figures. The total actuals in 1931-32 were Rs. 2,20,95,000; in 1932-33, Rs. 2,19,00,000; in 1933-34 the actuals were Rs. 2,20,71,000; for the next year's Budget it is Rs. 2,29,00,000, an increase, as the Hon'ble Member says, of Rs. 7,22,000 and it is Rs. 4,38,000 in excess of the revised estimate for the present year. The Hon'ble Member has explained that this was partly due to the fact of the cut in pay having been restored, but what about the rest? Temporary men if kept on, have a tendency to increase; and this is what has happened. Temporary men, like temporary measures, tend to become permanent. Once you start on the course of employing additional hands, it will be extremely difficult task to stop it; it requires superhuman strength of mind and energy and acumen. I know the Hon'ble Member feels in his heart of hearts that such excessive expenditure is something exceptional, something that requires a good deal of explanation. But if anarchism and terrorism be on the wane, what is the need of spending Rs. 7,00,000 and odd more than in 1933-34 and Rs. 4,33,000 more than the revised estimate for this year? I earnestly appeal to the Hon'ble Member to be very careful, very chary before he permits any extra expenditure. I sincerely trust that he will not find it necessary to spend as much as has been provided in the estimate for next year, and that at the next Budget, he will be able to tell the House that he has been able to economise.

With these few words I commend my motion to the acceptance of the House.

The Hon'ble Mr. R. N. REID: I am grateful to Mr. S. M. Bose for his appreciation of the point of view of Government and for his support of Government in its policy and in its view that pressure cannot be relaxed, that we still have got to maintain our pressure, and that we still have got to be vigilant to see that fresh trouble does not arise. Indeed, Sir, I have very little to add to the remarks I made while introducing the Police Budget, simply because in that statement I endeavoured to anticipate the very natural questions which members of this House would ask when we contemplated this increase of expenditure in the Budget for 1935-36. Mr. Bose has again asked that question, as to why, if the movement is on the wane, we wanted to spend more money than we did before. Well, Sir, I can only give the same answer that I gave two days ago when I said that the reason was that we had attained a certain position of superiority and our endeavour was to maintain that position, and if we are going to maintain it and prevent the terrorist movement from raising its head again—if we are going to maintain it, if we are going to prevent this terrorist movement from becoming a menace that it was a year or two ago, we have not only got to place our expenditure on the same scale as before, but it is possible we may have to spend a bit more. It is unpalatable to me to have to come with this increased demand, but it is not done in a light-hearted manner. We have made the estimate after a very careful consideration. The mover has asked us to be very careful and not to spend anything except what is absolutely necessary. I may assure him that not a penny has been spent more than I can help. But the circumstances, and particularly the actions and attitude of the terrorists, make it impossible at the present moment to make any reduction in our expenditure—rather the reverse. We are continually getting reminders of their activities, of their anxiety to resume their activities the moment a chance is given to them. There were two reminders of great importance last year—one was the outrage at Lebong, and the second, although not so spectacular, but in its bearing on the terrorist situation just as important, and that is the effect of the escape of four leaders of the terrorist gang from the Alipore Central Jail last July. Their escape has had its effect on the terrorist situation generally and on a particular group of terrorists, namely, the Anusilan. The mere fact of their escape shows the strength of the determination of these men to do all they can to cause trouble to Government. The moment they were gone, there is no question that there is new activity in all directions among the men of that particular party. They felt that their leaders had come out and this was their chance to start action: and that position still persists.

Two of these men, Sir, are still at large—two important leaders, and as long as they are at large the situation is bound to give us anxiety. This incident is an indication of the extreme importance of our not allowing ourselves to relax, when things look quieter, when there are no outrages for a month or two, and to enjoy a false sense of security or

be persuaded to relax our precaution and to reduce our expenditu simply because things seem better for the time. We have got to l very careful and we cannot relax our precautions. If we do, we shoul be taking an undue risk and Government of the present day are not pr pared to take that risk.

I can only assure Mr. Bose that this heavy expenditure is bein incurred because Government believe it to be absolutely necessary. we could reduce we should. I trust with this assurance Mr. Bose wi withdraw his motion.

Mr. S. M. Bose's motion was then, by leave of the Council, witl drawn.

Mr. ANANDA MOHAN PODDAR: Sir, I beg to move that tl demand of Rs. 1,50,000 under the head "26B—Police superintendence be reduced by Rs. 100 (desirability of taking into confidence tl guardians of young boys and girls suspected to be mingling with tl terrorists).

Sir, it is not at all a pleasant task to criticise the actions of the Go ernment on every occasion, but as popular representatives, I think, is our duty to voice the popular feelings and sentiments on matte affecting their best interests. A strong sense of this duty sometim impels us to criticise the police, because police is the only agenc through which law and order is enforced—and law and order is essenti for the ordered progress of the society.

Sir, the extraordinary measures promulgated in Bengal for tl suppression of the terrorist movement have given the police much aut cratic powers, and it is very unfortunate that the police in Bengal a using these powers rather indiscriminately. These police method though checking the vicious activities of the misguided youths to certain extent, are also giving fresh impetus to the obnoxious movemen For they help to a great extent to spread discontent and the terrori movement draws its life-blood from the discontent of the people. Th method is also responsible for the unpopularity of the police administr tion in Bengal.

Sir, I shall give an instance how the people are being unnecessari harassed by the police. On the 9th of April last, an unfortuna occurrence happened at Narayanganj. Some alleged terrorists, whi passing through a village lane, were accosted by the villagers and order to escape, the ruffians fired and shot down one innocent villag named Ramjan.

On the day following some 500 houses in the town and its neighbou hood were searched, 24 young men were arrested and some 500 othe were taken to the thana for recording their statements. On the 20 April again about 200 houses were searched and 10 more youths we arrested and on the 14th May 5 more arrests were made, making tl

total number of arrests 39. On the 3rd June the District Magistrate served notices under the Bengal Criminal Law Amendment Act on 20 youths not to go out of their homes during day and night and to report themselves in the local police-station once daily. Police also call on them at their houses 4 or 5 times at night and from recently even at daytime. The 39 arrested young men were sent up for trial in what is known as the Deobhog Shooting Case and after a few months of detention 37 of them were discharged and charge-sheet was submitted against only two—of whom one was ultimately acquitted on the trial. This is in short the happenings and the activities of the police at a particular place, and it is not unlikely that similar occurrences happen in other parts of Bengal.

Sir, what I want to stress is that in connection with the Deobhog shooting affair in order to procure conviction for one person 39 young men were dragged to the court and a few hundreds more have been unnecessarily harassed and are being harassed even to-day. In the Munshiganj and Madaripur areas also hundreds of young men are put to great indignities and harassment. Many of these are schoolboys and owing to the peculiar attention of the police and the military on them their lives are being made miserable and their careers ruined. It may be that the police find it necessary to take these steps for the prevention of the terrorist crimes. But the public feeling in Bengal is that the method adopted by the police is not the best method for the eradication of the evil. It may be that some of the dangerous political criminals are checked by this process, but it is sure and certain that many innocent persons suffer along with them, and when their career is ruined once for all and their prospect in life gone, they turn out to be potential terrorists.

Sir, it may be remembered that a provincial conference of the representative public men was convened under the auspices of the British Indian Association at the Calcutta Town Hall in September last with the object of finding out ways and means to fight terrorism in Bengal. That Conference after mature deliberations requested the authorities by a resolution to take into confidence the guardians of youthful suspects so that they may be weaned from their evil paths in time and prevented from committing any active crime. Sir, nobody is more interested in the welfare of the youths than their guardians. Every one of them wants that his son or daughter should not ruin his or her career and life by mingling with the terrorists. So if they are given an opportunity to rectify their sons and wards, they will exert their utmost for the purpose. There must be co-operation between the Government and the public in this matter and to ensure that co-operation the authorities concerned who have access to facts and datas concerning the terrorists should take into confidence the guardians and non-official leading men before taking any punitive action.

Sir, I am aware that high officials in the Secretariat, who are responsible for police administration, are not unmindful of the benefit of this procedure and that if approached they often take the guardians into confidence and do the needful. But in the mufassal the case is quite different. There the authorities instead of seeking co-operation hardly pay any heed to the requests of the guardians and other leading men who approach them for the purpose. This is very unfortunate. Terrorism is a menace alike to the Government and to the people and unless the people and the Government co-operate for the eradication of the evil, best results cannot be obtained——

Mr. PRESIDENT: Mr. Poddar, there is only five minutes left for the discussion of this subject. Do you wish to give the Hon'ble Member in charge opportunity to speak?

Mr. ANANDA MOHAN PODDAR: Yes, Sir, I will finish in a minute. I request the Government to take up the matter in right earnest and to issue instructions to the authorities concerned to take preventive measures on the lines suggested above before taking any punitive action.

Mr. E. N. BLANDY: Sir, when the Hon'ble Member asked me to reply to this motion, I thought that the mover was going to advocate a policy, which the Government have themselves enunciated and are impressing on the local officers to pursue and one, I think, I am right in saying, which all officers dealing with terrorist crime are pursuing. The mover of the motion however referred at some length to an incident in Narayanganj. I am afraid, I am not well up in the facts. But, Sir, the main fact was that an unfortunate man was murdered. If some hundred young men were in consequence put to some amount of inconvenience, it does not seem in comparison of much moment. But that is not the main point of the motion. The hon'ble member in moving his motion has implied that the aspirations of the Secretariat are not carried into effect in the mufassal. Sir, with my limited experience of the mufassal, I can definitely tell him that he is wrong. In Chittagong, for instance, the parents and guardians are very fully taken into confidence. They have been supplied with the names of the people whom we suspect or who, we think, may be drifting into the terrorist movement; the local officers do this so that they may keep a watch and to look after their own children. The advice which they thus get from the authorities has been very much welcomed and appreciated by the parents and guardians: the same thing has been happening in Tippera, and I think also in Midnapore, Noakhali and other districts. I think I can assure the mover that this policy of taking the parents and guardians into confidence is being followed genuinely and more and more thoroughly as the days go on. Government attach the greatest importance to it and we are getting good results from it. As the object of the

mover of this cut is to draw attention to a policy which Government have adopted, and which they intend to carry out, I trust that he will withdraw his motion.

Mr. Ananda Mohan Poddar's motion was then, by leave of the House, withdrawn.

(At this stage the time-limit for the discussion of "26—Police" was reached.)

The Hon'ble Mr. R. N. Reid's motion that a sum of Rs. 2,11,63,000 be granted for expenditure under the head "26—Police" was put and agreed to.

(The Council was then adjourned for 15 minutes.)

(After Adjournment.)

27A—Ports and pilotage.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 3,41,000 be granted for expenditure, under the head "27A—Ports and pilotage."

MOTION FOR REDUCTION.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I beg to move that the demand of Rs. 93,000 under the head "27A—Ports and pilotage —Charges for pooled launches—Supplies and services—Building, repairs, and outfit of launches" be reduced by Rs. 100 (training Bengali apprentices in ship-building in the Government Dockyard at Narayanganj).

Sir, the subject-matter of this motion is not a new or novel one. It has been debated on three different occasions; in fact, it arose out of a motion moved by my friend Maulvi Muhammad Fazlullah in the Budget Session of the Council in 1931; and I had the privilege of moving a similar motion on the 24th March, 1932.

The object of this motion is to train our young men at the Government Dockyard at Narayanganj. Three years have elapsed, but we are not aware what steps have been taken to comply with the assurance then given by the Hon'ble Mr. Marr in reply to my motion. Speaking on behalf of Government, on the motion of Maulvi Muhammad Fazlullah, Mr. Blandy, whom we find here to-day, said:—

"It is not correct to say that we have already built several craft. As a matter of fact, we have not yet built one. There is, however, a certain amount of fairly important reconditioning and repair work going on at Narayanganj, and it is possible that this work might provide opportunities of valuable training for apprentices."

Continuing he added:—

"However, as the idea has been put to us, Government will be glad to go into details and see if it will be possible from the financial point of view and also from the practical point of view, to start a class where they will be able to impart adequate instruction to apprentices with the means at their disposal. I would therefore request the mover to withdraw the motion."

On the assurance given by Mr. Blandy, the mover withdrew the motion, but we are not aware as to what enquiries had been made and with what result. In 1932, the Hon'ble Mr. Marr said:—

"If we were to offer to train regular apprentices, we would have to make proper arrangements which would cost money."

Then he went on to say:—

"Government will continue to watch whether things can be improved. At present with the facilities at our command we cannot give any training in ship-building. Therefore, I would ask the mover to withdraw the motion on the understanding that Government will continue to examine the question."

So, it will appear that every year when the question was raised on the floor of this House, some sort of assurance was given by the Hon'ble Member in charge or the Finance Secretary; but nothing, practically, has been done up till now to give effect to the assurance.

Sir, I do not wish to detain the House any longer because the time at my disposal is very short. It is for the benefit of our young men, for whom there is no other avenue of employment open—I mean those who have had some education in secondary schools but have not reached the Matriculation Standard in High English Schools in the mufassal—that the training is proposed to be imparted. That will ease the present situation to some extent. It will, at any rate, help a certain section of our young men to get an opportunity of receiving the necessary training in ship-building or repairing steam, or motor launches at Narayanganj. I do not mean thereby that they should be highly qualified B. Sc.'s or M. Sc.'s of the University, but I have in my mind the people who do not find employment anywhere and who have an aptitude for technical education. It is to this class of people that the proposed training should be given. The Hon'ble Member in charge of the Department will perhaps say that a ship has never been built at Narayanganj and that the only work carried on there is repair work and reconditioning work. If our young men are given a chance of receiving some amount of training in the repairing of steam vessels, then when they complete their practical training at the training centre, they will be able to find employment elsewhere or carry on an independent profession as repairers. That is the object of my motion. With these few words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble Sir JOHN WOODHEAD: Sir, the dockyard at Narayanganj, as the Rai Bahadur has said in the course of his speech, is not a place where we build launches. No launches are built at Narayanganj: work at Narayanganj is limited to repair work. But, Sir, we have a system of employing apprentices, and I find from the records relating to enquiries made in 1931, subsequent to the discussions in this House, to which the Rai Bahadur has referred, that 35 apprentices were employed at the Narayanganj Dockyard. These apprentices do not, however, belong to the highly educated classes. We cannot provide training for apprentices who wish to adopt mechanical engineering as a profession for the work undertaken at Narayanganj is not suitable for giving training to such persons, but we do employ apprentices in considerable numbers. They are trained in ordinary repair work; trained for employment as *mistries* and artificers, and after their training are fitted for posts carrying a pay of about Rs. 30 or Rs. 40 per month. Although we cannot provide facilities for the training of highly-educated persons, any *bhadralog* young man, who is desirous of being apprenticed in the dockyard and who has no objection to being trained as a *mistry* or an artificer, is able to obtain that class of training. Looking at the list of 1931, I find that the apprentices included both Muhammadans and Hindus, and even high-caste Hindus; for instance, I find the names of one S. Banerjee and one Ramesh Chandra Chaudhuri amongst the apprentices. This system of taking in apprentices is still in existence; but, as I have said, it is a system which is not suitable—and cannot be made suitable—for the training of youths who wish to follow the profession of mechanical engineering. We have no ship-building work at the Narayanganj Dockyard: we have no Drawing Office: and the work carried out consists chiefly of ordinary repairs. Perhaps, with this explanation, the Rai Bahadur will withdraw his cut motion.

Rai Bahadur Keshab Chandra Banerji's motion was then put and lost.

The original motion of the Hon'ble Sir John Woodhead that a sum of Rs. 3,41,000 be granted for expenditure under the head "27A—Ports and pilotage" was put and agreed to.

30—Scientific Departments.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 26,000 be granted for expenditure under the head "30—Scientific Departments."

MOTION FOR REDUCTION.

Rai Bahadur SATYA KINKAR SAHANA: Sir, I beg to move that the demand of Rs. 25,800 under the head "30A—Donations to Scientific Societies" be reduced by Rs. 100.

Sir, it is my religious belief that want of knowledge is at the root of all human evils, and I believe that the money that is spent for the preservation and increase of the stock of human knowledge is money well spent. So I have no quarrel with the grant or with the way the money is spent. I move this motion only for the purpose of drawing the attention of Government to the fact that the preservation of ancient books of both the Hindus and Muslims has been awfully neglected. Sir, the Mahabharata is one of the 4 greatest and most important books in the world; the others being the Poems of Homer, the Hebrew Bible, and the Sahnama of Firdusi. The Mahabharata is virtually the Encyclopædia of Hindu civilization; it contains the Vedas, the Upanishads, the Smriti Sanghitas and the Puranas all compressed in it. It has been truly said of the Mahabharata that

মহত্ত্বাদ্ভারবত্ত্বাচ্চ মহাভারতমুচ্যতে and that

ধর্ম্মে চার্থে চ কামে চ মোক্ষে চ ভরতর্ষভ।

যদিহাস্তি তদন্যত্র যন্নেহাস্তি ন কুত্রচিৎ॥

This Mahabharata is not available now. For the last 30 or 40 years a good copy of it could not be had anywhere in India.

Mr. PRESIDENT: Do you mean to say that the Scientific Society is interested in such books?

Rai Bahadur SATYA KINKAR SAHANA: We find that donation is given to the Asiatic Society and other Societies from the grant under "Scientific Departments" for the preservation of ancient books.

Mr. PRESIDENT: The books that the Rai Bahadur is referring to may not have anything to do with the Scientific Societies.

The Hon'ble Sir JOHN WOODHEAD: I think they have.

Rai Bahadur SATYA KINKAR SAHANA: For the last 35 years a good and correct copy of the Mahabharata could not be had. A Society has since been started in Poona—the Poona Bhandarkar Society—for the purpose of publishing a correct copy of the Mahabharata. They have been trying to publish a correct text of the book. During the last 16 years they have collected about Rs. 4 lakhs as fund for the purpose, but they have not been able to publish more than the Adi

Parba of the Mahabharata. But here in Bengal a poor Brahmin Pandit Mahamahopadhyaya Haridas Sidwantabagis has taken upon himself the stupendous task of publishing the Mahabharata with the Bharat Bhav Deepa, commentary of Nilkantha, the most ancient and philosophical commentary of the book, his own exhaustive *tika*, the Bharat Kaumudi, and a lucid Bengali translation of the book. This edition is an excellent one, and it has been certified by men like Rabindra Nath Tagore, Sir P. C. Ray, Mr. Hirendra Nath Dutt and other learned men of our country to be the best edition of the Mahabharata that has been published till now.

(At this stage the time-limit for the discussion of the demand was reached, and the member had to resume his seat.)

Rai Bahadur Satya Kinkar Sahana's motion was then put and lost.

The original motion of the Hon'ble Sir John Woodhead that a sum of Rs. 26,000 be granted for expenditure under the head "30—Scientific Departments" was then put and agreed to.

31—Education (Reserved).

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 10,44,000 be granted for expenditure under the head "31—Education (Reserved)."

Motion for Reduction.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I am glad to find after all that the Hon'ble Sir John Woodhead has accepted his responsibility as the head of the Department of Education (Reserved). About five years ago when the then Member in charge of Education (Reserved) brought forward a motion during the Budget Session, I raised the question as to why it was necessary to place European education under a separate person, when we the Hindus and Muslims have no objection to have education placed in charge of either a Hindu or a Muslim Minister. Sir, the Hon'ble Mr. Marr replied that as the Reforms were coming, it was no use discussing the question, when under the Reforms European education would pass into the hands of the Minister in charge of the Education Department. It seems now that there has been a change in the opinion of the Government in the matter. Of course that change was not the result of any advice that the Government of Bengal received from the Standing Committee attached to the Department of Education. We are told that under the new constitution European education is going to be a Central subject under the Federal Constitution and not under the Provincial Government. I think I should take this opportunity to raise a note of protest

against such arrangement. Education, whether European or otherwise, ought to be in charge of a single Minister and that would be for the good of the people—Anglo-Indians, Europeans and Indians. This department, I believe, is worked with very little attention towards public opinion. It has been decided in this House that great attention should be paid to teach vernacular in the schools now under the management of this department, but it seems that nothing is being done in that direction, at least that is the feeling both among the Anglo-Indian community as well as the Indian community. If you want better feelings and better understanding among the different communities in this province, it is desirable that attention should be paid to education in the vernacular of the province in our schools.

(At this stage the time-limit for the discussion of the demand having been reached, the member resumed his seat.)

The Hon'ble Sir John Woodhead's motion was then put and agreed to.

Adjournment.

The Council was adjourned till 3 p.m. on Tuesday, the 26th March 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 26th March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 90 nominated and elected members.

Oath.

Mr. Sukumar Basu, I.C.S., nominated official, took the oath of his allegiance to the Crown.

STARRED QUESTIONS

(to which oral answers were given)

Campaign for non-payment of landlords' rent and money-lenders' dues.

*90. **Mr. ANANDA MOHAN PODDAR:** (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that an active campaign for non-payment of landlords' rent and money-lenders' dues is being carried on in several districts of Bengal; and

(*ii*) that as a result of this campaign some committees have been formed in rural areas and people are not allowed to pay rent to the landlords and dues to the money-lenders without the permission of these committees?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the districts affected and names of such committees?

(*c*) Will the Hon'ble Member be pleased to state what measures, if any, have been taken to suppress this movement?

(*d*) Are the Government considering the desirability of issuing instructions to the District Magistrates to help the landlords and money-lenders in realising their dues in the affected districts?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) and (*b*) Government are not aware of any active campaign of the kind described, but it is a fact that committees or *Samities* under various names have been formed in several districts. Government's information is that at present they are mainly directed towards debt conciliation rather than to repudiation or to non-payment of rents. It has been reported from some places that such committees seek to control the payment of dues to money-lenders. The existence of such Samities has been reported from Tippera and Noakhali but Government have no information of the number and names of such committees throughout the province.

(*c*) There is as far as Government are aware no "movement" which requires suppression.

(*d*) No, but numerous applications under section 158A, Bengal Tenancy Act, have been granted throughout Bengal on the prescribed terms and conditions.

Faridpur Sadar Munsif's Court.

***91. Rai Sahib SARAT CHANDRA BAL:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the doors of the office room attached to the Sadar Munsif's Court at Faridpur are kept under lock and key during office hours causing inconvenience to the pleaders in the transaction of their legal business?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for shutting out pleaders from such offices?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) and (*b*) The doors are kept under lock and key to regulate entry of pleaders and others except at stated hours fixed in consultation with the Secretary of the Bar Library. No complaint of any inconvenience has been received.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Vendors of the Joint Steamer Companies' vessels.

48. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that contracts are given by the Joint Steamer Company to

vendors of sweets and eatables on condition that they have to purchase their commodities from the Companies' catering at a dearer price than bazar rate?

(*b*) Is it not a fact that the travelling public are charged double the bazar rate for every commodity?

(*c*) Are the Government considering the desirability of holding an enquiry into the matter in the interest of the travelling public?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) It is understood that one of the conditions upon which permits are given to vendors to sell sweetmeats on board the Joint Steamer Companies' vessels is that they will purchase their stocks from the Companies' factories if the service in respect of which such permit is given touches at a station at which the Companies maintain a factory.

(*b*) No: taking their size and quality into consideration the sweetmeats sold by vendors are no more expensive than those retailed by shop-keepers ashore.

(*c*) No.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMAND FOR GRANT.

31—Education (Transferred).

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: On the recommendation of His Excellency the Governor, I beg to move that the sum of Rs. 1,10,46,000 be granted for expenditure under the head "31—Education (Transferred)".

In rising to move this grant I might be permitted to refer to certain features of the administration and working of this department during the current year.

Members of the Council are probably aware that the question of the new Matriculation Regulations has been the subject-matter of discussion between the University and Government for over ten years past. I am glad to inform the House that as a result of the two Conferences between the representatives of Government and the University, general agreement was reached on the subject of the new Regulations and this will remove some of the defects of the present Matriculation standard. The medium of instruction will, in future, be vernacular of the province. History and Geography will be compulsory subjects and in addition to other subjects, a new subject is, for the first time, introduced with a view to raise up the standard of general knowledge among the students, namely, common scientific

knowledge. This will undoubtedly raise the standard of the Matriculation Regulations and enable the Matriculate of the future to enter the University with greater knowledge and training.

Members of the House are aware that in March, 1932, His Excellency in his address to the Convocation of the Calcutta University, foreshadowed a Conference that will consider the future lines of educational development in all its branches in Bengal. This Conference was held in November, 1933, in the Government House, Calcutta, and consisted of representatives of the Universities of Dacca and Calcutta, of Assam, and of official and non-official educationists and public men. One of the recommendations of this Educational Conference was that there should be a survey of the secondary schools in the province with a view to determine whether the number of secondary schools should be increased, reduced and redistributed in the interests of the educational development of the province. The work of the survey has already been undertaken with the co-operation of the Calcutta University, and is nearing completion, and the statistical results are being tabulated and mapped. It is hoped that valuable results will be obtained, and the information made available will be of benefit in the more efficient co-ordination and development of the system of secondary education throughout the province.

Members of the House are also aware of the delay in the creation of Class I, Bengal Higher Educational Service, which was designed to take the place of Indian Educational Service. This service has since been constituted from the beginning of the current year and the first appointments to that service will be published in the gazette of this week. The machinery of the Rural Primary Education Act has been brought into operation in ten districts, which are prepared to accept the conditions offered by Government. These districts have been evenly distributed throughout the province.

The members of the Council are probably aware that late Kumar Basanta Kumar Roy of Dighapatia by his will, dated the 11th August, 1920, left a sum of Rs. 2,50,000 in Government promissory notes of 3½ per cent. to be placed in the hands of the Government of Bengal for creating an endowment the interest of which is to be utilised for the purposes mentioned below:—

(a) for making arrangements for the advanced teaching of such sciences as Botany, Zoology, etc., in the Rajshahi College with a view to the introduction of a higher agricultural course which I hope will include dairy farming and cattle-breeding;

(b) for creating a scholarship of Rs. 35 per mensem tenable for three years for prosecuting studies in an agricultural college, the candidate to be selected by the Governing Body;

(c) in the event of the above advanced teaching in sciences being impossible in the Rajshahi College, the interest of the endowment is to be devoted to the helping or an establishment of an agricultural institution at Rajshahi including dairy farming and cattle-breeding and, failing this, to the awarding of scholarships to the graduates in science being natives of Rajshahi for studying applied sciences in India or abroad.

Besides the above, the late Kumar also made another gift of Rs. 20,000 as a contribution for the construction of an additional college extension building.

The gift was accepted with thanks by Government and the executors asked to send the promissory notes to the Director of Public Instruction.

A scheme was thereafter drawn up involving a recurring expenditure of Rs. 14,400 and an initial cost of Rs. 30,000 *plus* Rs. 10,000 for outfit and apparatus, but this was found to be an underestimate and the estimate ultimately went up as follows:—

Scholarship.

			Rs.
Recurring	.. Rs. 19,027 *plus* Rs. 1,260	..	20,287
Non-recurring—			
Outfit	.. Rs. 33,900	..	88,300
Building	.. Rs. 54,400		

The scheme did not meet with the approval of the executors who desired to include the starting of an agricultural college at Rajshahi or at least a pledge on the part of Government to start such a college.

Two schemes were again prepared, but the idea of an agricultural course at Rajshahi with Government supplementing the income of the endowment was condemned by the expert officers of the Agriculture Department. The discussions continued and in September, 1928, Government on financial grounds regretted its inability to accept any scheme involving the establishment of an agricultural college.

In 1930, Botany Classes up to the I. Sc. Standard were opened by Government at the Rajshahi College from its own funds. Attempts were again made to evolve a scheme of agricultural school to be solely met from endowment.

By 1933, a scheme of an agricultural institution was prepared involving two years' course in Agriculture, Rudiments of Biology, Chemistry, Physics and Weather Science, Crop Pests, Farm Management with provision of practical training in Carpentry and Smithy

and Rural Engineering and Dairying with a little Field Work in *Farms. Lands were to be purchased for the farms and buildings raised for dairy purposes.*

When my attention was drawn to this scheme I felt that—

(1) The scheme is defective on the grounds of more theoretical than practical study.

(2) There was absence of fullest possible co-operation between the Government Agricultural Farm at Rajshahi and the new institute.

(3) From the point of view of ultimate gain to the province, it is of doubtful value.

In a country where millions are tillers of the soil, what ultimate gain is there, if a few *bhadraloks* take to agriculture, even if it is possible for the *bhadralok* to take the plough, and the scythe and the harrow in his own hands and work for several hours in the hot sun? On the other hand, the immense fragmentation of holdings is decidedly against development of large scale farming, unless some landlords are prepared to take it up in their *khas* lands. The problem is deeper than that: on the one hand, it is often said "that our education is too bookish and theoretical and gives very little vocational training. On the other hand, Bengal needs more than any other province the development of agricultural industry. On the occasion of my visit to Rajshahi, I studied the situation on the spot, had a conference with the Trustees and the Governing Body of the College, and had later a conference with the Hon'ble Minister of Agriculture, Director of Agriculture and Secretary of the Agriculture Department. I am glad to state that the Hon'ble Minister of Agriculture was anxious as much as I am to co-ordinate the activities of Government agricultural farms at Rajshahi with the new scheme. As a result, the Director of Agriculture has on the outline suggested by us drawn up a scheme of an agricultural course at Rajshahi College to be open to regular as also casual students, the latter to be drawn from among the ordinary students of the College. The Government Agricultural Farm will be utilised for practical training in field work for location of dairy cattle and poultry and the Rani Hemanta Kumari Hostel and attached rooms will be used for regular laboratory training in preparation of cheese, butter, casein and other dairy produce, milk pasturization, horticulture with instruction of canning and bottling of fruits and fruit production, such as jam, jelly, sauce, syrup, poultry and poultry management, with instructions in cigar and cigarette-making. Complete training will be given in dairying, poultry, horticulture and agricultural farming. The detailed scheme has been put up before the Trustees for their approval, and though they have informally agreed, I am expecting their formal decision. As soon as it is received,

we hope to go on with the scheme and we expect to have an agricultural institute in course of the year. This will be in spirit with the conditions of the will, and will fill a real need of the country. Rajshahi will be a new centre of educational activities with training in utilisation of agricultural products which will fit young men in taking up employment for which there is a great opening in this province.

The condition of education in Bengal has for many years caused anxiety to thoughtful observers, and it has often been pointed out that the province is gradually losing its position of eminence. There has for long been a feeling prevalent that the present system of education required to be overhauled and revised, adapted to changing conditions and modern requirements. Bengal is perhaps the most largely agricultural province of India, and in spite of its predominantly rural and agricultural character, our system of education is criticised on the ground that it is better adapted to urban rather than rural population. We have in our midst an extraordinary future of the largest number of secondary schools and primary schools in the province and the complaint has been general that something should be done at an early date to make our work in schools more efficient and better adapted to the environments of the province, to check the appalling waste and ineffectiveness, and to remove the defects of organization. Lack of funds has in the past not only hampered development but led to actual retrenchment, retarding further advance, with the additional problem which we have to face, namely, there is no sound system of control over secondary education in Bengal. Our secondary schools, specially those which do not receive any grant-in-aid and whose number is over 500, are often staffed by teachers who are neither sufficient in number nor duly qualified, neither trained nor well paid, nor are they often imbued with such a sense of vocation as to be equal to the high responsibility of their task. They are generally very poorly paid and do not take advantage of their opportunities of influencing the character of the pupils for good or for training them to be healthy, happy and useful citizens. In the past attempts often of a sporadic nature have been made to make piecemeal reorganisations with no success. Government therefore feel that they have to make up a comprehensive programme of reconstruction—a programme which may not be immediately carried into effect, but which will have to be steadily pursued till its objects are achieved. Possibly some of these plans of reconstruction will have to wait till better finances return, but all the same we shall have ready schemes that can be worked up as soon as finances are available.

We have in addition the further problem of co-ordinating the Madrassah and other special institutions with general schools. With a view to prepare a programme, immediately after I assumed office as Minister of Education I called successive Conferences of experts and other authorities for their advice and suggestions in the matter. A

Conference of the Chairmen of District Boards was held at Darjeeling primarily to discuss the problems of primary education. Successive Conferences of Headmasters and Inspectors were held to find out the best way of improving the teaching work in secondary schools and of making school work more profitable and inspiring for the students. We have been in touch with the progress of works in other provinces, specially in the Punjab and in Madras, and have had the benefit of the advice of the Educational Commissioner with the Government of India. We have also informally consulted leaders of public opinion on many issues involved and have also discussed matters with other educational authorities in the province. A departmental committee was appointed to suggest lines of co-ordination between Madrassahs and general schools. We have also been working on a scheme of training secondary and primary school teachers at district headquarters. A Conference of some of the Principals of Colleges was also held to find out the best means of co-ordinating the activities of some of the Government colleges in Calcutta and we have also discussed with many others as to how best to inculcate religious and moral training in our schools. We have also considered the problem of giving rural and vocational bias to our schools and an officer was specially deputed to draft the future framework of our policy with regard to the educational reconstruction of the province. I hope very soon to be in a position to publish our tentative conclusions so that we may have the benefit of public opinion and criticism on it before we definitely embark upon the new policy, and I trust and hope that when the resolution is published, members of the Council will each individually be kind enough to help us with their advice and suggestions. Ultimately, it is upon the support of the public opinion that the success of any extensive programme of work must largely depend.

Members of the Council will be glad to know that a Special Officer has been appointed to work in the Education Department for the collection of statistics under section 2 of the Wakf Act. We have addressed all the Anjumans in Bengal as also we have been addressing Muslim leaders in the province, and I have also individually written to every Muslim member of the Council asking him to help us with necessary information. The Special Officer is also touring round in Bengal to arouse public opinion in this matter. Partial effect has been given to the Wakf Act so that all *mutawallis* may register the requisite details by 12th of June next. Once more I take this opportunity of appealing to Muslim members as also to other members and through them to the wider public so that the Wakf Office may be able to function properly and successfully with their help and co-operation.

Members of the Council are aware that we are still in the midst of financial difficulties in the province and it has not been possible to take up a major scheme of education. In spite of this financial position, we

have been able to make provision for repairs to the buildings of the Eden High School for Girls at Dacca which is in a dilapidated condition and is considered unsafe by experts.

We have been able to provide for a few more trained physical instructors in some Government educational institutions and provided for the post of Civics and Economics Teacher in the Rajshahi College.

Provision of workshops for the Chittagong College with an additional provision of Rs. 2,500 for the establishment of free primary schools in the districts and provision for the increment of staff pay in the Ahsanullah School of Engineering has been made.

It was a matter of great complaint that in Dacca which has a large Urdu-speaking population there was no additional Urdu Teacher in the Muslim High School there, and we have been able to provide for that also this year.

We have provided for two scholarships for Backward Classes in the Government Commercial Institute and have provided grants to the Girl Guides.

I may also mention about the proposal for provincialisation of the Sakhawat Memorial Girls' School in Calcutta.

As the members are aware, Government have five girls' schools, one at Chittagong, one at Comilla, one at Mymensingh, one at Dacca and another in Calcutta. Unfortunately, the Calcutta Government Girls' School, *i.e.*, the Bethune School, does not admit Muslim students and consequently there are very great difficulties in the matter of Muslim girls' education in Central, West and North Bengal. Government realise also the growing demand among the Muslim community for girls' education and we have been able to provide for the provincialisation of the Sakhawat Memorial Girls' School which is hoped to go a great way towards the solution of the problem which is affecting the Muslim girls' education in the province.

In addition to this, I may mention that we have been able to make further additional provision this year of Rs. 18,000 to the Calcutta University as payment for teaching in Geology and Physiology.

I have tried to put up a rough outline of the present working of the Education Department. The task lying ahead of us is of vital importance to the future of Bengal. We are not to forget that in the coming constitution, the task before this department among others will be to give the right type of education calculated to produce a popular electorate, capable of exercising intelligently the primary functions of citizenship and a smaller body of persons who will prove competent and trustworthy representatives. To quote the Year Book of Education of 1935, it would be difficult to find anywhere in the world a more intelligent race of children than we have in Bengal. But the product that

ultimately emerges in to-day is so unsatisfactory. It is a veritable tragedy and the task of reconstruction is to make a satisfactory solution of the problem. Our task is to see that these children are given a fair chance of developing their capacities and of qualifying themselves to serve their country. I appeal to the members and through them to the wider public for a correct understanding of the situation and to find out the best solution to-day.

Maulvi ABUL QUASEM: Sir, I beg to move that the demand of Rs. 4,23,043 under the head "31A—Education (Transferred)—University—Calcutta University—Recurring grant to Calcutta University" be reduced by Rs. 100.

My object in moving this motion is to urge the desirability, nay, the vital and urgent necessity, of making the office of Vice-Chancellor of the Calcutta University a salaried one. Sir, the Calcutta University is an institution of legitimate pride to the pepole of Bengal. The nationalism that now pulsates in the hearts of a considerable section of the people of this province is due, in no small measure, to the achievement of this great University. As it is well known, the University was founded in the year 1857. Two Acts have so far been passed to regulate the constitution, life and functions of this University—the Act of 1857 and the Act of 1904. The need for reform of this University has been recognised for a long time. A most authoritative and influential Commission was set up during the Chancellorship and Viceroyalty of Lord Chelmsford. That Commission, known as the Calcutta University Commission, laboured during the years 1917-19, and they produced a report which in authority, in knowledge and in grasp of the problem is unrivalled and of unique value; but unfortunately for Bengal, while other provinces and universities have profited by the recommendations of this authoritative Commission, the Calcutta University for which the Commission was set up, have not been in the least benefited by it so far. Sir, I am not going to put the blame on anybody, but the fact remains that the necessity is there of reconstituting the University in order to make it serve more efficiently the growing and changing needs of this province. Sir, from the position of a very small institution in the year 1857, the University in its career of 78 years has grown into a huge institution. Sir, I believe I shall be correct in saying that judging by the number of its students, the University is probably the greatest University in the world, but the executive head of this University is an officer who has been up till to-day an honorary officer. I do not mean to say, Sir, that the office has not been filled with distinction and devotion so far, but my purpose in moving this motion to-day is to urge upon this Council and Government that we have arrived at a stage of development in the University

when a salaried Vice-Chancellor has become an urgent and vital necessity. Sir, in his last Convocation address, our young and able Vice-Chancellor classified the work that has to be done by the Calcutta University under five heads. I am going to give the Council an idea of the work that it falls to the lot of that University to perform. Firstly, the University has to administer three large departments of post-graduate teaching in Arts, Science and Law, comprising nearly three thousand students. For this, the University has to maintain a staff of 265 teachers in 40 different subjects. Secondly, Sir, the University is charged with the duty of supervising collegiate education not only in Bengal but also in Assam. Bengal and Assam have now 60 colleges, and the number of students in these colleges exceed 30,000. Thirdly, the University is also charged with the duty of superintending the working of 1,291 recognised high schools. Of these, 112 are situated in Calcutta, and 1,079 are outside Calcutta. The total number of students reading in these high schools would be about three lakhs. Fourthly, Sir, the University has got to conduct examinations throughout the year in Arts, Science, Law, Medicine, Commerce and Engineering. The total number of students which appeared last year at the various examinations held by this University came to about 41,650. The task of conducting so many examinations involves the appointment of more than 2,000 examiners and paper-setters, the examinations being held in 200 different centres, and lasting for 146 days out of 290 working days in the year. Lastly, the University has got to devote a large part of its time and attention to the work of promoting the health and welfare of the students. Sir, in the Eighth Quinquennial Review on the Progress of Education in Bengal during 1927-32, page 45, it is said: "The bulk of the Calcutta University has become so heavy and unwieldy that no ordinary power can shake its pyramidal immobility." The University was until about 16 years ago an affiliating one. Its duty consisted in granting affiliation to colleges and laying down courses of studies, prescribing text-books, holding examinations and granting certificates and diplomas. Sir, the University has now grown into a regular teaching University; its teaching relates particularly to post-graduate teaching in Arts, Science and Law. The University also, so far as under-graduate teaching is concerned, holds Commerce Classes which are attended by about 108 students—I am speaking of the year 1933. Sir, Bengal possesses a teaching University, properly so-called, at Dacca. Let us compare the number of students reading there with the students reading in the Post-Graduate Classes of the Calcutta University. Sir, in the year 1933, the total number of students in the Dacca University was 927; in the very same year the number of students in the Calcutta University was 1,141. No one will say for a moment that the Vice-Chancellor of the Dacca University has not to deal with a large number of students. His time is wholly occupied with the work that it falls to his lot to perform. If that is the case with the Dacca

University the case is all the stronger in the case of the Calcutta University where the work that has to be done by its Vice-Chancellor is far greater and more exacting. Now, Sir, let us have a look at the work which the Vice-Chancellor has to discharge. We know that he is *ex-officio* Chairman of the Syndicate which meets every Friday. He has got to look to the preparation of the agenda; he has got to acquaint himself with every problem that has got to be placed before the Syndicate. He has got to give a lead and guidance to the members of the Syndicate in order to arrive at a correct and wise decision on the questions that come before them. The Senate must meet at least once a month and the Vice-Chancellor has to perform the same functions in connection with the Senate also. The Vice-Chancellor is also—I mean the present Vice-Chancellor, if my information is correct—Chairman of the Council of Post-Graduate Teaching in Arts. Then, he is *ex-officio* Chairman of all the trust funds, I mean the endowment funds created by the late Sir Tarak Nath Palit, the late Sir Rash Behary Ghosh and by the Khaira Estate, and there are many other endowments of which he is *ex-officio* Chairman. The present Vice-Chancellor is also *ex-officio* President of the Governing Body of the Calcutta Law College, and then it is upon him that rests the tremendous responsibility of seeing that the different examinations which take place throughout the year, are carried on properly and efficiently. Sir, the enumeration of the different functions of the University which I have just placed before the Council will indicate without any reasonable doubt the serious and the onerous character of the duties and responsibilities which the Vice-Chancellor has to shoulder. Now, Sir, the question is: Can a man, however competent and able he may be, however great his aptitude may be for University work, if he has got to do other work in other fields and if his mind is preoccupied with anxiety in connection with other matters—can such a man be expected to do full justice to work of such complexity and magnitude? I think there can be only one answer and that answer must be in the negative. I do not for a moment say that the holders of this distinguished office have so far failed in discharging their duties, but I do wish to submit this to the Council that, had they been wholetime officers of the University, then I am sure that they would have been in a position to render greater and more efficient, effective and solid service to the University.

The Vice-Chancellor is the principal officer of the University; he is its chief executive head and the soul of the whole organisation. He has got to co-ordinate the functions of the different bodies, the Syndicate, the Senate, the Faculties and Committees that have to do work for the University. He has got to focus attention on all those vital problems which affect the University. Therefore, it is not only by merely ceremonially presiding over the Syndicate and the Senate that he can discharge these functions properly. Day in and day out, hour after

hour, he has got to give his undivided and closest attention to the different and perplexing problems that arise and call for decision. Therefore, I say that, whoever may be the occupant of the office, he should be in a position to devote his undivided attention, energy and talents to the work of the University and the University alone, and it is only thus that the Vice-Chancellor would be able to do full justice to the growing and complex work of the University. Sir, I have already referred at the beginning of my speech to the Calcutta University Commission. Now let us hear what the Calcutta University Commission has to say about the duties that it falls to the lot of the Vice-Chancellor to perform, and let me in this connection read paragraphs 38, 39 and 40, of Volume III, Chapter XXVII of their Report:—

"38. The Vice-Chancellor is appointed by the Governor General in Council for a period of two years, but his tenure of office may be extended by that authority. In the absence of the Chancellor and of the Rector, he presides over Convocation and meetings of the Senate; and he is the Chairman of the Syndicate.

39. We are indebted to the late Vice-Chancellor, Sir Deva Prasad Sarbadhikari, for valuable information in regard to the duties which devolve upon the Vice-Chancellor. He showed how exacting these duties have now become owing to the growing volume and complexity of University business and to the length and frequency of the meetings of the Senate and Syndicate. The pressure of work has become so great that few men with other claims upon their time could possibly do more than keep themselves abreast of the details of the current business coming up for discussion at the bodies over which the Vice-Chancellor officially presides. Some of our members spent several days in the University Office and can testify to the mass of work which is thrown upon the Vice-Chancellor, even since he has been relieved of the responsibility for the organisation and control of the Post-Graduate Classes.

40. Some of our correspondents have suggested that, in consequence of the growth of the work devolving upon the University, the time has come when the Vice-Chancellorship should be made a wholetime office and therefore necessarily a paid one. We recognise the success with which eminent men, though engaged in other avocations, have combined the work of the Vice-Chancellor with outside duties, and are aware that the presence of a distinguished man discharging the duties of Vice-Chancellor in an honorary capacity has been a source of strength to the University. But our inquiry has led us to agree with those of our correspondents who feel that it has now become necessary that the chief responsible officer of the University should have time to keep in closer touch with the detailed work of the several bodies and institutions which are embraced in the University organisation, to think out the great

problems now confronting higher education in Bengal and to act from hour to hour as the link between the different parts of an organisation, already complicated and now needing further differentiation. We think that the time must soon come when, if the post continues to be honorary, the Government will be unable to find a man at once qualified and sufficiently leisured to discharge, in addition to other duties, those of the Vice-Chancellorship."

In Volume IV which embraces the recommendations of the University Commission the Commission recommended as follows:- "The Vice-Chancellor should be appointed for a term of not less than five years and might be appointed until such age of retirement as may be determined by Ordinance in respect of this office. In the first instance after the passing of the Act, the Vice-Chancellor should be appointed by the Governor General in Council for such period as he may determine. His successors should be appointed by the Chancellor after report from the Executive Council (or Executive Commission). The Vice-Chancellor should be the Chief Executive Officer of the University. In the absence of the Chancellor he should preside at meetings of the Court and at Convocations for the conferment of degrees. He should be *ex-officio* a member of the Executive Council and a member and Chairman of the Academic Council, and should be entitled to be present and to speak at any meeting of any constituted body of the University, but not to vote unless he is a member of the body concerned. He should be responsible for the discipline of the University. In view of the importance and exacting nature of the functions entrusted to him, it is essential that the Vice-Chancellor should be a salaried officer and should devote his whole time to his work. Further, in view of the complexity of the task of organising and directing the University and of representing it in negotiations with Government and various educational bodies, it is of the greatest importance that the Vice-Chancellor should be a man of high academic standing, distinguished record and ripe experience. In order to express in definite terms our sense of the high importance of this office, and of the status and dignity which should be attached to it, we suggest that the Vice-Chancellor should receive a personal salary and an entertainment and hospitality allowance equivalent in the aggregate to the stipend of a High Court Judge. He should contribute 5 per cent. of his salary towards his retiring allowance. The funds of the University meeting this with an equivalent annual contribution."

This was the recommendation of the University Commission. Sir, I quite realise that they recommended that these recommendations were to be given effect to after the Act remodelling the constitution of the University was passed. But, Sir, even if there is no Act on the lines of the suggestions of the Commission, I do submit before the Council that the work of the Vice-Chancellor of the Calcutta University

has grown so much in volume, has become so very complex and so exacting, that he needs must be a wholetime officer if he wants to do real justice to the work that appertains to his office. Sir, the House has got to look at the question from the point of view of the wider problems that confront the University and remodelling the constitution may wait. I do submit that whoever occupies this office should be completely freed from any other preoccupation in connection with other work. He should be enabled by the grant of a reasonable salary to devote this whole energy and his whole time to work out the problems of the University. Sir, I have already referred to the speech of the Vice-Chancellor on the last Convocation Day. In that speech he also foreshadowed some of the problems which were engaging the attention of the University. He referred to question of the improvement in the quality of higher teaching and research; he mentioned also the question of reforming collegiate education, of bringing about improvement in the methods and in standard of teaching in the colleges, and in conditions under which the teachers work and the students reside and carry on their corporate activities. He also mentioned what was of very vital importance, namely, the ascertainment of the means for initiating special courses and for establishing special institutions calculated to open out new avenues and new careers for our youths as distinguished from the present system which is predominantly literary and hardly useful for a student in facing the struggle for life. In order to think out these problems from day to day and from hour to hour, as the Commission said, you require the services of a wholetime officer. But if the mind of the Vice-Chancellor is occupied with work in other fields, he cannot be expected to devote his concentrated attention to think out the pressing problems of the University. Therefore, I do submit that the time has now come when the Council should give a definite mandate to the Government that it desires that the office of the Vice-Chancellor should be a salaried one. As I have said, the duties with which the University is charged are vital. Sir, there are different elements in the population of this province. There are the two great communities—the Hindus and the Muslims. Then among the Hindus there are the upper castes and the scheduled castes. We—these different elements—have our mutual jealousies, suspicions and antagonisms. But I verily believe that in the dispensation of a wise Providence, through all these antagonisms and suspicions and jealousies, we are being slowly and surely welded into a nation and in this glorious and sacred task of welding together these apparently different and disparate elements of our population into a nation the Calcutta University has played and is destined to play a distinguished and honourable part. In order that the University's work may be of greater value and of more solid effect its chief executive officer should be a wholetime salaried officer, able to devote all his talents, all his energy and all his time to the solution of the problems that face it. I do not desire, Sir, as some people do, that

there should be curtailment of higher education. The nation cannot live by primary education alone. It is in higher education that the nation's spiritual needs are ministered to. If higher education is neglected, the nation is bound to deteriorate and suffer. The motto of our University is the advancement of learning and the University has attempted in a successful manner to live up to this great ideal. I would say that if this ideal is to be carried to further fruition our University should be provided with a wholetime salaried officer at its head. One aspect of the problem we cannot lose sight of and that is the fact that in this matter public opinion in the past was suspicious of having a paid Vice-Chancellor. At one time it was thought that if you had a paid Vice-Chancellor of the Calcutta University its autonomy would be impaired, and it would become to all intents and purposes a subordinate department of the Secretariat. The conditions have changed since and so far as education is concerned our Government now is a responsible one. In the coming constitution the whole Government will be responsible to the people. So, Sir, the suspicion that prevailed in the past need not trouble us in the least. In spite of a paid Vice-Chancellor in the Dacca University, its freedom of initiative and work is unimpaired and it is working excellently. There is no reason why the independence of the Calcutta University should be affected if the Vice-Chancellor is a salaried officer. Sir, I submit that in the interest of efficiency of work of the University, in the best interests of the welfare of the citizens of future Bengal we should have a wholetime salaried officer as Vice-Chancellor. With these words I commend my motion to the acceptance of the Council.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I think it would be better if at this stage I were to enunciate the policy which is now before Government regarding this question. But I would prefer speaking after one or two speakers have spoken.

Mr. PRESIDENT: I am afraid you will not be able to speak twice.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Then I shall do it now.

Sir, it is not my intention in rising to speak on this motion to interfere in the course of this debate. But I propose to enunciate at this stage the definite policy of Government in this matter and after that to await the opinions which are expressed in this House in the different sections. The question is undoubtedly a very important one and at once raises issue of a most controversial character. It is true that a case can be made out for a paid Vice-Chancellor from many points of view. Yet there are certain other features of the problem, and it is with that view that I want to draw the attention of the House to those aspects. The House will remember, as my friend Maulvi Abul Quasem has said,

that the Calcutta University's Commission recommended for a paid Vice-Chancellor. I may draw the attention of this House that when the report of the University's Commission was taken up for consideration by the Calcutta University Senate, Dr. Brojendra Nath Seal moved that the following resolution adopted by the Senate in Committee appointed to deal with the report of the University's Commission be confirmed. The first recommendation of the Committee on the Saddler Commission's report was that the Vice-Chancellor should not be a salaried wholetime officer, and this was passed without a division and without any opposition in the Senate. Government therefore have to move very cautiously because in spite of the fact that the University's Commission did recommend for a paid Vice-Chancellor, there was the definite opinion of the Calcutta University that there should not be a paid Vice-Chancellor. That was in 1920. Eight years after, the question again cropped up and the House will remember that a very acute debate went on in the matter. It was in 1928 that Government moved that there should be a salary attached to the post of Vice-Chancellor and as a matter of fact a sum was provided in the Budget for the purpose. In 1928 it was in the time of Nawab Musharruf Hosain that the question was fully debated in the Council and the points raised at that time were that it was an innovation upon the policy which was so long the policy of Government, and that it was opposed by Dr. Pramatha Nath Banerji who was a representative of the University and Minto Professor of Economics, on the ground of economy. He said that "the present is a deficit Budget and any new expenditure that is proposed in a deficit Budget can be regarded as justifiable if only such expenditure is absolutely necessary or unavoidable. For close upon three-quarters of a century the Calcutta University has been served by many eminent Vice-Chancellors who have given their time ungrudgingly to the University in an honorary capacity." He said further—"Has the work of the University greatly increased of late years?" He must have said so after a careful study of the situations. Then he said—"If we compare the work of the University, we find that there has been actually a diminution in the amount of work." That was not merely the opinion of Dr. Pramatha Nath Banerji but of many others also.

Mr. Wordsworth from the European Group was also of the opinion that when it had been so long possible for the University to be carried on with an honorary Vice-Chancellor, it should not have a paid Vice-Chancellor now. There were other members suspicious of the intention of the Government that it was an encroachment on the right of the University in order to get greater control over the University. There were other members also who objected on the ground that the question of the pay of the Vice-Chancellor could not be taken up unless the University were remodelled and the question of secondary education was tackled. There were others again who thought that Bengal was

not yet so poor that eminent persons of ability, capacity and culture could not be found to fill the dignity and office of Vice-Chancellor of the Calcutta University. It was very hotly debated and debated at length from every point of view and as a result of the debate it was decided that there should not be any salary attached to the office of the Vice-Chancellor. I myself was one of the persons who took part in that debate, and I was also of that opinion because the University was not consulted: that was the main point which I then took. I might also quote the opinion of Sir Abdur Rahim, another distinguished countrymen who is now occupying a very distinguished position at Delhi. He said: "I have come to a definite conclusion that having a paid Vice-Chancellor in the Calcutta University will not serve any useful purpose. On the other hand, it will reduce the dignity of that office." As a result of this debate the grant was thrown out and the question of having a paid Vice-Chancellor for the time being was dead: the Government did not pursue the matter then. Even the present Government also did not concern itself with it till the question has again been raised in this House. Now that the question has been raised I am inclined to inform the House that the matter is not so simple as it is thought. Can the question of the salary of the Vice-Chancellor be taken up independently? Should it not be taken up along with the entire remodelling of the Calcutta University? Should not the tenure be discussed? Should the Local Government be the appointing authority or the Chancellor? What necessary consequential changes should be made in the organisation of the University? Then about the salary—whether it would be paid by the University or subject to the vote of the House. These are matters of detailed investigation, and I might say that these issues are very pertinent to the solution of this question. But apart from that there is the further question, namely, the financial condition of both the Government as well as of the University. But I might say this much that I have my full sympathy with the debate that has been raised in this House. Now that the question has been raised, our attitude will be that we will be guided by the course of discussion in this House and if we find that the debate has shown that there is a case which should go to the University—and I believe my friends will agree that a question like this cannot be finally settled on the floor of this House—we will forward it to the University. It will require very careful scrutiny, and I promise that if there is substantial opinion in favour, I will communicate the debate to the University for their views in the matter. After all, the University is primarily interested in the matter, and I do not think that Government should take any steps without consulting the University in a momentous question like this. But I will say this, that if the result of the debate tends in favour of the proposal of the mover, I propose to forward the whole debate to the University for their views. I trust that after hearing this the mover will be pleased to withdraw the motion.

MR. KESHAB CHANDRA BANERJI: Sir, I have listened with great interest to the illuminating speech delivered by my friend Mr. Abul Quasem. He has made a comprehensive survey of the duties that attach to the office of the Vice-Chancellor of Calcutta University.

Before I enter into the question as regards the desirability or otherwise of the appointment of a wholetime paid Vice-Chancellor, I desire to point out that the Universities of Dacca, Lucknow, Allahabad, Agra, Andhra and Mysore have their wholetime paid Vice-Chancellors. They are wholetime officers of these Universities. Although there are honorary Vice-Chancellors in the Benares and Aligarh Universities, yet they have pro-Vice-Chancellors to carry on the duties of the Vice-Chancellors in their absence and generally to assist them in their work. In Calcutta University there is no such post subordinate to the Vice-Chancellor. Sir, the University of Calcutta was started in the fifties of the last century and for 76 years the work of the University has been carried on by honorary Vice-Chancellors. Formerly, it was principally an affiliating and examining body as the mover has rightly pointed out. The late Sir Ashutosh Mookerjee who was associated with the University as its administrative head for many years and whose name became synonymous with this great institution recognised the necessity for a revision of the present system of education and initiated a change in the educational policy by introducing the Post-Graduate and Research Departments under its direct control. Since then it has not only been an examining body but also a teaching University. With an increased demand for the orientation of a new educational policy for the country and the consequent change in the outlook of the University, its problems have become well nigh complex and more insistent than ever. It is, therefore, a task of superhuman magnitude to reorganise it thoroughly in the light of modern public opinion and in consonance with our present needs. Hence, the necessity for a wholetime Vice-Chancellor, who will have nothing else to do but to devote his undivided attention to the work of the University, which is no longer of a routine nature. You cannot expect a professional man or one who has to earn his own living in a different capacity to give up his occupation and spend his whole time in looking after the affairs of the University. In these days of specialization in every department of life, a reasonable standard of efficiency cannot be attained without independent thinking, courage and application. The administrative authority of a University, like that of Calcutta, cannot afford to be a mere figurehead. He is not to be merely a signing instrument. He will have to initiate a definite policy and evolve schemes for the advancement and development of University education, with special reference to its cultural and vocational aspects.

Sir, I have no pretensions to expert knowledge with regard to the making and the internal administration of a modern University. But,

a layman as I am, I can realize the practical aspects of the question. If the Government are really anxious to overhaul the existing system of education which is responsible in no small measure for the hard lot of the products of our Universities, and if, they want our boys to occupy an honourable place in the domain of Arts and Science side by side with the *alumni* of the foreign Universities, they should not hesitate to accept the proposal which my friend, Maulvi Abul Quasem, has put before this Council.

Sir, Tennyson, the great poet of immortal fame, has rightly said:—

"Old order changeth yielding place to new,
And God fulfils Himself in many ways,
Lest one good custom should corrupt the world."

In matters of administration, the time-spirit has got to be taken into account. However good a system may be, no improvement is possible unless it is so adjusted as to meet the needs of the hour.

Sir, ours is a hapless country. Whereas in the Western countries education is the primary concern of the State, our Government have unfortunately pursued so far a policy of *laissez faire* in regard to this vital problem. The times have altered, and it is for Government to consider whether or not they should introduce this much-needed reform by the appointment of a paid Vice-Chancellor.

Sir, the mover of this motion has made out a very strong case in favour of a wholetime salaried Vice-Chancellor. As I have already said, he has quoted facts and figures in support of his position for the appointment of a salaried Vice-Chancellor. The Vice-Chancellor should be appointed for a term of not less than five years in accordance with the recommendations of the Saddler Commission. If reforms are to be introduced in the educational system of our country, short-time appointments are undesirable. It is because an honorary Vice-Chancellor may not be available to shoulder the responsibilities of this high office for a longer period, that short-time appointments are made. If the Vice-Chancellor is really to formulate schemes of educational reform in the University, he cannot possibly be expected to do so unless he remains in office for a reasonable period.

Sir, the Hon'ble Minister for Education has quoted extracts from the proceedings of the Bengal Legislative Council for the year 1928, in which the undesirability of a salaried Vice-Chancellor was stressed by certain members. One of the reasons stated on that occasion was that it would secure more control for Government over the educational policy of the province. If this argument had any basis at all, it would apply equally or perhaps with greater force in the case of a salaried Minister who has to enunciate the educational policy of this province. If a paid Minister can carry on the duties of his office independently,

there is no reason why a paid Vice-Chancellor cannot be expected to run the administration of the University without being subservient to Government. I do not wish to dilate further on the subject, but I think that the time has come when the House should take this question into their serious consideration and urge Government to introduce this much-needed reform.

Sir, with these few words, I support the motion wholeheartedly.

Mr. S. M. BOSE: Sir, the hon'ble mover has raised a very important and difficult question indeed. As the Hon'ble Minister has just pointed out, the matter is full of difficulties, and for the mover to ask us to give a mandate to the Government that they must appoint a paid Vice-Chancellor is something with which I cannot agree. The matter cannot be so easily and lightly carried out. It is true that the Report of the Saddler Commission on the Calcutta University in 1919 made certain recommendations to this effect. It is true that the work of the Vice-Chancellor has greatly increased and so it was urged by the mover that we want a wholetime man to give undivided attention to the work of the University. On the other hand, Sir, the tradition has been one of ungrudging honorary service. Sir, we Bengalees somehow or other believe in ideas of sacrifice and self-abnegation that appeal to us. Great men like the late Sir Gurudas Banerji and the late Sir Ashutosh Mookerjee had devoted their time and thought to the Calcutta University ungrudgingly without hope of reward. They grudged no work and no sacrifice for their beloved *alma mater*. Perhaps, Englishmen do not quite believe in this idea of voluntary and honorary labour; but we Indians do. And in that respect, Rai Bahadur K. C. Banerji seems to be a non-Bengalee because he does not believe in free sacrifice and free service.

Then, Sir, as the Hon'ble Minister has just pointed out, the matter has been on more than one occasion considered by the Calcutta University, and they have turned down this proposal. The matter was also discussed in this Council, and here, too, it was turned down. The Government, I submit, cannot decide the matter straightaway. Further, there is this financial difficulty. The Saddler Commission recommended that the Vice-Chancellor should be given the pay and the prestige of a High Court Judge. It is difficult to find a man of that rank. The pay and the post cannot make a Vice-Chancellor. A Vice-Chancellor to be appointed must, before his appointment, be a man of integrity, character, and culture, and respected. It is only then that he should come to office. The office cannot make a Vice-Chancellor. Mere pay cannot invest him with all those qualities that we demand from a Vice-Chancellor, that the Vice-Chancellors in the past have always had. So, I think the mover in asking us to give a mandate straightaway to

Government has committed a great mistake. The matter, as the Hon'ble Minister has already pointed out—and I entirely agree with him—is one of great difficulty and requires very careful investigation.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I am rather surprised that even after hearing the very lucid and very reasonable speech of the mover of this motion, my friend, Mr. S. M. Bose, should get up and oppose it. The mover has proved to the hilt that the duties and work of the Vice-Chancellors have in recent years increased to such an extent that it is impossible for a man, even for a superman, to perform them, efficiently, if he is not a wholetime officer of the University. As we find now, the present Vice-Chancellor has, perhaps, to give up most of his other functions in order to be able to devote himself to the proper discharge of his duties as Vice-Chancellor.

Sir, going back to old history, the Hon'ble Minister has drawn attention to the fact that in the year 1920 the University itself decided by a resolution against the appointment of a salaried Vice-Chancellor, and Mr. S. M. Bose has, also, laid stress on that fact. But I would remind the House that 1920 was fifteen years back, and since then the University has expanded on all sides and from being an examining body it has now become a full-fledged teaching University also in addition to being an examining body. We have also been told that in 1928 this motion was thrown out in this Council. There, again, I would remind the House that the constitution of the Council was such that not only this proposal was thrown out, but many other equally, perhaps very important, proposals were thrown out. Even I would remind the Hon'ble Minister that the Ministry itself was thrown out. (Laughter.) (Khan Bahadur Mr. AZIZUL HAQUE: Later.) It is very well to say that we Bengalees are very self-sacrificing men, but I might say that in every nation there are self-sacrificing men, but there is a limit to such self-sacrifice. It is not really a question of self-sacrifice. It is a question of the proper and efficient discharge of the duties entrusted to the head of the administration, especially so when he is the head of a large and big University. There is a vast amount of difference between the honorary position, for instance, of the Mayor of the Calcutta Corporation or of the Chairmen of District Boards? These officers, if I may so, are only honorary advisory heads, and their work is mainly confined to presiding at meetings. They have got their executive officers, they have got their Vice-Chairmen, who perform the executive functions and relieve them much of their duties—duties which cannot be compared either in bulk or in importance with the duties of the Vice-Chancellor. The Vice-Chancellor is not only Chairman of the various Committees, not only presides at the Senate and the Syndicate, but he is his own executive officer, and it is more than human to expect that even an

educationist will be able to perform all these functions efficiently unless he devotes his entire time to the duties which are entrusted to him.

It has been said, an ideal Vice-Chancellor should be a man of learning, a man who has devoted his previous life to educational activities. We know from ancient times that men of learning are not men of riches. Men of learning must live. Therefore, if you want a man of learning, you should pay him. I do not say that his pay should be equal to that of a High Court Judge. Perhaps the High Court Judges do not deserve their pay, and many people do not, but that is neither here nor there. You must pay him enough and adequately, so that he can be care-free and devote his entire attention to the work that is entrusted to him. Coming to the question of dignity, I do not think it is fair to say that a man loses it if he accepts any remuneration for the work which he does. In volume and in the varied nature of the duties I think the Vice-Chancellor's task is not very much less than I might say that of even some of the Members of Government. In that case would any sane man urge that the Members of Government should also be honorary and not paid men so that their dignity might be enhanced? Sir Asutosh Mookerjee himself was a member of the Saddler Commission and he was a party to the recommendation that the post of the Vice-Chancellor should be salaried. It is not right to say that it will not be possible to get a man of the calibre and of the integrity or ability of the High Court Judges to pay him high salary as Vice-Chancellor. I am afraid Mr. S. M. Bose has entirely underestimated the qualifications and qualities of many of his friends. I would think that he himself would make a very fine Vice-Chancellor, even if the post is a salaried post. I do not think he will lose his dignity if he is given that pay, though afterwards he may distribute it among his friends.

Lastly, I would refer to one remark of the Hon'ble Minister, that is, the action which he proposes to take on this resolution, namely, that he would judge from the various speeches that have been made in this House or perhaps he means by counting of votes, what the opinion of the members is with regard to this question. The only submission which I would like to make is that in this case he should not go by counting of votes, not even by the speeches that have been made, because our power of making speeches may not be equal to the merits of the case. Mr. S. M. Bose is a finished orator and therefore it cannot be expected that I have been able to give a proper reply to his criticism, but Government should consider the case on its merits.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: On a point of personal explanation, Sir. I said "in the course of the debate."

Khan Bahadur MUHAMMAD ABDUL MOMIN: I should also request the Hon'ble Minister to remember that Government were themselves in favour of making this post a salaried one, but they were obstructed from doing it as they were obstructed in many things. I would request him to consider this thing very sympathetically and hope that it will end as we want it to.

With these words I support the motion.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

Rev. B. A. NAG: Mr. President, Sir, I have been listening to the debate on this motion with a good deal of interest and I have asked myself as I would like to ask you—"Has there been any case of any one who has ever been approached by Government as a worthy man to accept the position of the Vice-Chancellor of the University and has refused because either he has no time or because he is not to be paid?" Beginning with Sir Ashutosh Mookerjee, one of our very great Vice-Chancellors, down to his son, I have not heard of a single Vice-Chancellor who ever demurred to the fact that because the Vice-Chancellors are not paid, therefore men of their eminence would not become Vice-Chancellors of the University. If that is a fact, what is the reason for this demand that the Vice-Chancellorship should be paid? I was going to say, What is the reason for this insult to that honoured position? Moreover, Sir, the moment the Vice-Chancellorship becomes a paid office, I am inclined to believe that you will not get that type of worthy men that you are getting at present as Honorary Vice-Chancellors, because worthy people like those who have become our Vice-Chancellors would far like the honour to being honorary than being spoken of as paid Vice-Chancellor, and for the sake of their honour and in order to have such worthy men coming to the position of Vice-Chancellor I would strongly oppose this motion. Thirdly, Sir, I think we ought to congratulate ourselves that we have such a living sacrifice in the persons of our Vice-Chancellors before the student community—sacrifice for the service of the country. I am glad that the students have that example, and if the students will follow that example, we can expect great things from the student community, but if we thrust upon them a paid Vice-Chancellor, that example is gone and the students are deprived of a great incentive. It has been said that since 1919 or 1920 the work of the Vice-Chancellor has grown immensely. I dare-say, Sir, it has, but nobody has mentioned that the University has appointed more workers in its different departments during these years than they did ever before. As for the Vice-Chancellor being a very busy man, all who knew the late Sir Asutosh Mookerjee knew that no one man could be more busy—in fact, he was a superman—but he carried out the duties of the Vice-Chancellor in addition to his other

duties without any difficulty whatsoever. So I hope that, in order to retain this glorious example before the student community in order to make the post attractive to really worthy men, who will not come forward for a paid job, we should as a Council oppose the motion.

Mr. C. C. COOPER: Sir, I hope that the mover of this motion will not force it to a division, but after the explanation given by the Hon'ble Minister he will withdraw it and leave the question for the consideration of Government. I feel very keenly and sincerely that this is not a matter upon which a decision can be claimed on the floor of this House. It contemplates a very radical change in the whole fabric of the Calcutta University, and therefore must receive very deep and careful consideration. Personally, Sir, looking at it merely from an abstract point of view, it appears to me that it should be a great pity if the very high and honourable office of Vice-Chancellor should cease to have the honour hitherto attached to it. Sir, pay is not a matter of dignity but is a matter of independence. Hitherto, our Vice-Chancellors have enjoyed independence and the work of the University has therefore continued to flourish. I quite appreciate the point that it is only a superman who can hold such a post, in addition to his other duties, and that the supermen who have held such office in past years are to be found only one in a million. I cannot believe, however, that they are men who cannot be replaced for the history of the world shows that when great men have gone they have been replaced by equally great men. That has been the general experience of the world, Sir.

The Hon'ble Minister has assured us that the question will receive from Government the very careful consideration which such a big subject deserves, and I hope therefore the House will leave the question to the Government and not force this motion to a division.

Dr. NARESH CHANDRA SEN GUPTA: Sir, on this question I find a very great difficulty in casting a decisive vote one way or the other. The difficulty arises from the fact that the Vice-Chancellorship of the Calcutta University is a most anomalous institution. In the old days of the Calcutta University we had an ornamental Vice-Chancellor, who had not much work to do. High officials, High Court Judges, Members of the Viceroy's Council and men of similar position filled this post, which was more a position of honour than the onerous one that it is to-day. But under the new University Act the position of the Vice-Chancellor was greatly changed. He became a most active executive officer of the University, but nonetheless the Vice-Chancellor was not a person who was an integral part of the University as an academic institution. Vice-Chancellors of other Universities, in England as well as in other countries, who filled similar positions come from amongst the teachers, persons who devote their lives to the work of teaching and have distinguished themselves as great educationists—

they are called upon to discharge the duties of the Vice-Chancellor. But the University of Calcutta has continued its old traditions of importing its Vice-Chancellors from outside the body of educationists, persons who have had nothing to do with education in their lives except perhaps theorising about it. Such are the persons who have been called upon to act as Vice-Chancellors of the Calcutta University. If it were the case of the proper academic Vice-Chancellor, there would be no question that he would have to be paid, but in the present position I am not in a position to agree that the Vice-Chancellor should be paid. Then, again, look at it from another point of view. The Vice-Chancellor here is not appointed by the University and the University has no hand whatever in his appointment. In some other Universities the appointment is made no doubt by the Chancellor, but after considering the recommendations of the executive body of those Universities. Here, however, the University is not even consulted. Therefore, Sir, there is a real difficulty. If it is a salaried post, in the first instance, it goes against the principle that the University should have a say in the appointment of persons who are to draw salaries from the fund of the University. That is one point. Then, from another point of view, if you persist in the course which has been followed in the case of the Calcutta University in the past of taking persons from outside and putting them in as Vice-Chancellors then it is worth while seeing that you appoint persons of great eminence, persons of such eminence that you cannot get them for the salaries that you could offer. Well, Sir, it is worth while remembering that two of the Vice-Chancellors who have done most for the Universities, namely, Sir Thomas Raleigh and Sir Ashutosh Mookerjee, were not the sort of persons whom you could get at for any reasonable salary that the University could pay. If you do stick to the principle that the Vice-Chancellor should come from outside, well, I would insist, Sir, that he should be a man of such outstanding ability that the salary would be no temptation to him. Lastly, so long as the present constitution of the University continues, so long as the appointment of the Vice-Chancellor is made at the entire discretion of the executive Government, I have my own apprehensions of the unseen hand of nepotism playing a great part in the appointment when it is a salaried post. In the case of an honorary post, which is also very onerous, such as that of the Vice-Chancellor, the appointment could not be made from such considerations, but to leave a salaried post, which will involve the payment of a large salary, to the uncontrolled discretion of Government might lead to evils of that type. In any event, I think that the wise counsel at the present moment is to stay our hands till we have time to go into the constitution of the University. It is perfectly true that the Calcutta University Commission recommended a salaried Vice-Chancellor with a salary equivalent to that of a High Court Judge, but the University and the Vice-Chancellor which the University Commission envisaged was some other University and some other Vice-Chancellor than we now have. It is necessary

therefore that the whole thing should be considered together—the constitution of the University and the salary of the Vice-Chancellor, and everything should be taken up together. Till that time comes, Sir, I think the course dictated by prudence would be to maintain the *status quo*.

Mr. P. N. GUHA: Mr. President, Sir, I thought that my friend Mr. Quasem would hesitate to bring forward this motion after hearing the elaborate speech delivered by the Hon'ble Minister for Education outlining in detail the policy that the Government of Bengal want to follow with regard to the education in the province all round. The Hon'ble Minister has, within a short compass, given an idea to the Council of what the intentions of the Government of Bengal are and in what line the Government want to proceed in the field of higher, secondary and primary education. Anyone who has listened to that speech must have been convinced of the intention of the Government of tackling the whole problem of education in Bengal, but the line of work has yet to be decided upon. The assurance given by the Minister this year and if I remember rightly the assurances given by Sir Khwaja Nazimuddin in previous years raise the hope that the reorganisation of the educational work is being seriously contemplated.

Sir, there is not the least doubt as my friend Khan Bahadur Abdul Momin has pointed out, that Mr. Quasem has made out an unassailable case for the appointment of a paid Vice-Chancellor, but at the same time no one can be sure that the affair of the University of Calcutta will hereafter be managed in the same line and under same principle as they are being administered now. Sir, those members of the Council who are here for long will recollect that an amending Bill to the University Act was introduced in this House some years back by Dr. Promatha Nath Banerjee, Minto Professor of Economics, but as he and his friends of the Congress left the legislatures, the Bill lapsed automatically. Be that as it may, the outstanding fact is that the present University Act which was passed mainly at the instigation of Lord Curzon is no longer suitable and it should be amended in such a way as may enable the authorities to deal suitably with the problems not only of the University education but of the secondary and primary education as well.

Sir, neither the University nor the Government have yet been able to form a definite idea of the relationship that the secondary and primary education should have with the University education. A section of the people is definitely of opinion that the University should be relieved of the burden of looking after the secondary education and thereby have more freedom to regulate the higher education of the future generations of Bengal. The work of the Vice-Chancellor will considerably decrease

in volume if and when that is done and then the question will automatically arise if the post of the Vice-Chancellor should be a paid one or it should remain honorary as it is now. In fact, nothing can be and should be settled now regarding the position of the Vice-Chancellor. The time is quite inopportune and we must wait to see the result of the revised policy of the Government.

Sir, my friend Dr. Naresh Chandra Sen Gupta has pointed out that the mover of the motion himself has rightly said that the people were suspicious about the work of the Government and so the fear of nepotism in connection with the appointment of a paid Vice-Chancellor would not be altogether groundless. There is some truth in it. Section 4 of the Calcutta University Act has given the power of the appointment of the Vice-Chancellor to the Government as distinct from the Chancellor who is also the head of the Government. The difference should be carefully marked. A Fellow of the University is appointed by the Chancellor but the Vice-Chancellor is appointed by the Government which means by the Governor according to the suggestion given to him by his Minister. The difference is very great. Sir, good or bad, acceptable or unacceptable, we are going to have a thoroughly new constitution shortly. The Education Minister under the coming constitution will not have to depend on any one else on any matter. He will be a chosen representative of the people and he will be bound to shape his policy under the direction of the people. That will be the proper time to tackle the problem. Sir, my friend Mr. Quasem has said that the Vice-Chancellor has to do a lot of hard work at the present moment. Quite true and this he has to do because he is the chief executive authority of the University. Can one be sure that the position in future will remain what it now is? Is it impossible that the administrative affairs of the University will be entrusted to an efficient paid officer and the Vice-Chancellor will be there only to guide the policy of higher education? It will therefore be quite unusual for the House to accept the motion of Mr. Quasem and given a mandate to the Government to appoint a paid Vice-Cancellor as desired by him. On the contrary we should ask the present Government not to touch the matter during its lifetime.

Mr. K. C. RAY CHOWDHURY: Sir, I am personally not a bit of an admirer of the Calcutta University and therefore all this talk regarding the improvement of the University by appointing a paid Vice-Chancellor is not at all appealing to me. I may tell the House and I am sure all the members know that this University turns out a very large number of graduates and under-graduates every year with the result that it simply adds to the number of unemployed and unemployable young men. My contention is that this additional expenditure on the Vice-Chancellor is not justified. Those who have read the Saddler Commission's report and those who know about the development of modern Universities will agree with me that the attaching of a salary to the

highest office in the University is not what will make the University more important than it is to-day. What I think is wanted is a Chief Executive Officer. Mr Momin's argument is that the duties of the Vice-Chancellor have increased enormously and so he has to absent himself from many of the engagements and therefore a wholetime officer is required. He also compared the post of the Mayor of the Calcutta Corporation with that of the Vice-Chancellor. But I may point out that the duties of the Mayor are not the same as that of the Vice-Chancellor. To my mind some of the routine duties of the Vice-Chancellor can be safely performed by an able administrator who can deal with all big questions and dispose of many items that come before the Calcutta University. If, however, people want to create a job, I do not grudge it. Let there be as many jobs as possible. I have no quarrel with it. The duties imposed upon the Vice-Chancellor by the Calcutta University Act may well be performed by a man getting a salary of Rs. 1,000 or Rs. 1,200 and I do not think a man on a salary of Rs. 4,000 is required. All that we want is a man to occupy the post of Vice-Chancellor who will be able to initiate the educational policy and who will know more about the openings for the graduates rather than the ways and means of stuffing the brains of the graduates and under-graduates with knowledge that has no market value. Many of our High Court Judges can perform the duties of the Vice-Chancellor with credit as they have done in the past. I oppose the motion.

Maulvi TAMIZUDDIN KHAN: Sir, I rise to give my wholehearted support to the motion that has been moved by my friend Maulvi Abul Quasem whom I congratulate on his able and very convincing speech. His speech was full of facts and figures and everyone knows that the facts and figures tell. In spite of that, it is regrettable to find that a jarring note has been struck by various members. The question after all is very simple. I think all the arguments that may be advanced for the post of the Education Minister being a salaried one can also be advanced for the post of the Vice-Chancellor of the Calcutta University being a salaried one. The duties of these offices may be different, but they are equally onerous. There seems to be no reason why the post of the Education Minister should be salaried and that of the Vice-Chancellor should be an honorary one. My friend the Rev. Mr. Nag asked several questions in his usual forceful and vigorous manner. He asked whether anybody has ever refused to accept the office in an honorary capacity and he triumphantly said that no one has refused such an offer. Therefore, he concludes that the post should remain honorary as it has been for all this time. I submit Sir, that this argument is altogether fallacious. If he remembers the history of the University he will see that almost all the great men who held the post of Vice-Chancellor hitherto were highly paid salaried officers in other capacities. Sir, would it have

been possible for these gentlemen to act as Vice-Chancellor if they received no remuneration from any other source. That is the crux of the whole question. Can it be expected that a man can perform such duties without being remunerated for the same? To my mind except under exceptional circumstances a man cannot be expected to give his best unless he is remunerated for his work. That is the simple question at issue. I very much appreciate the spirit in which my esteemed friend Dr. Naresh Chandra Sen Gupta spoke in connection with this motion. But one thing which he said seems to me to be regrettable and somewhat out of place. My friend said that no one knows who will appoint the Vice-Chancellor if the post becomes a salaried one, and if the Chancellor appoints the Vice-Chancellor he might succumb to nepotism. I think he has no reason to entertain such apprehensions at all.

Dr. NARESH CHANDRA SEN GUPTA: On a point of personal explanation, Sir. What I did say was that if the post of Vice-Chancellor were made a salaried one, the unseen hand of nepotism might creep in.

Maulvi TAMIZUDDIN KHAN: I stand corrected, but not convinced, because the explanation seems to state what I said just now. I appreciate very much the spirit of Dr. Sen Gupta's speech except that one sentence which fell from his mouth. It has been said that the University has been fortunate enough to secure the services of very eminent men in the past for the post of Vice-Chancellor. There is no doubt about it, but I would warn hon'ble members that the example of the great Sir Ashutosh Mookerjee should not mislead them. He was a superman so to say. Men like him are not born in every age. Therefore, what a Sir Ashutosh can be expected to perform cannot be expected of ordinary men—even of eminent men. Sir Ashutosh was no doubt a great jurist and at the same a great educationist and Vice-Chancellor, but no one knows if he would not have been greater still if he could confine his entire energy to one thing only. That is a point which should be seriously considered by the members of this House. If a man has to hold another highly salaried post and to perform the duties of the Vice-Chancellor, it is only natural that he is not expected to perform his duties as honestly, as ably and as successfully as he would have otherwise done. Therefore I think, Sir, that on principle it is quite clear that the office of the Vice-Chancellor should be a salaried one. Further, my submission is that it is a very wrong practice to import a Vice-Chancellor for other avocations of life. As has been pointed out by my friend Dr. Sen Gupta, that is a surer way of bringing in extraneous influence—political or otherwise, does not matter—into the affairs of the University. As far as possible, the Vice-Chancellor should be recruited from amongst eminent educationists; and if that is to be done, I think

it is unthinkable that such men would be available unless we gave them proper remuneration for their services. With these few words, Sir, I support the motion.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, as the House may have noticed, I also tabled a motion on very similar grounds, excepting that my motion was to consider the question of having a paid Vice-Chancellor. But, Sir, after having putting in that motion I have been thinking and thinking about the matter and have not been able to make up my mind whether it would be advisable to have a paid Vice-Chancellor or not. Sir, I have listened very carefully—as carefully as I could—to the various speakers who have addressed the House to-day, and I must say that I am still far from being convinced as to the advisability of such innovation. Sir, the very excellent speech that the mover of this motion made did, in fact, create a great impression on my mind. But, I am afraid, my friend, the mover, has been carried away by his enthusiasm over the matter. Several speakers have given to this Council the picture of a danger to which the University itself might be exposed if we did not have a Vice-Chancellor who should think that the interests of the University were the only matters which he had to consider. We have also been told that we have had the right men only because they were drawing high salaries in other spheres. I am sure if my friend, Maulvi Tamizuddin Khan, had only cast his mind back over a period of a few years, he would have remembered that not all of the Vice-Chancellors during this period have been men drawing high salaries from Government. The late Mr. Bhupendra Nath Basu, Sir Devaprasad Sarbadhicary, Sir Nilratan Sircar, the Reverend Dr. Urquart and last but no least Sir Hussan Suhrawardy, though he was a salaried official, he was not certainly a highly-paid officer of Government—not to speak of the others—were all honorary workers. I submit, Sir, that it is idle to think that you cannot have the proper type of men unless you have paid Vice-Chancellors.

Sir, there is just another point. What Maulvi Tamizuddin Khan wanted to make out was that it was very wrong in policy to have a man who is a wholetime officer in some department of Government appointed as Vice-Chancellor. I join issue with him there. I do not think that the history of the Calcutta University during the last 76 years has shown that the appointment of men holding high appointments elsewhere has been detrimental to the interests of the University. If anything, Sir, it has shown us just the contrary, and a thing which has not been sanctioned by the history of the last 76 years is, I submit, more likely to be incorrect than correct.

Then, Sir, there is just another matter which Maulvi Tamizuddin Khan has pointed out and that is that there is no difference in principle between the question of the salary of the Minister of Education and the

salary of the Vice-Chancellor of the University. There, again, I submit he is hopelessly wrong. The first is a political appointment and the other should not have, and ought not to have, any political complexion whatsoever. That is the one fundamental distinction between the position of the Minister of Education and the Vice-Chancellor of the Calcutta University. Sir, the words used by Dr. Sen Gupta have been objected to, and I think rightly objected to. But I do submit, Sir, that if you were to treat the Vice-Chancellorship of the Calcutta University as a political appointment and men were to be appointed to that office on account of political considerations, you would then be sounding the death-knell of the Calcutta University.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I think that as things are at present, the idea of having a paid Vice-Chancellor is totally absurd. It all depends upon the view you take about the functions of the Vice-Chancellor. If you are prepared to modify the constitution of the Calcutta University and make it what we call not an affiliated University but a University run on unitary lines, then I think we must seriously consider the question of a paid Vice-Chancellor. We cannot forget, Sir, that in the case of a paid Vice-Chancellor he must in such a situation come from the recognised educational service in the country. It would be no use appointing a public man with a salary as Vice-Chancellor in such a University. The experience of other Universities in India point to that conclusion. Well, in the Patna University a beginning was made with a paid Vice-Chancellor and all the Vice-Chancellors came from the Education Department. Mr. Jennings, who belongned to the Educational Service of the United Provinces, was first appointed as paid Vice-Chancellor of the Patna University. Then came Mr. Jackson, who belonged to the Bihar Educational Service. But it became apparent that if there was to be any enthusiasm over the affairs of the University, a paid Vice-Chancellor must be replaced. There was an agitation for an honorary Vice-Chancellor. Well, ultimately the paid Vice-Chancellor had to go and the appointment had to be made from the non-official leading men in the province. Sir Sultan Ahmed became the first non-official Vice-Chancellor of the Patna University. Well, Sir, there was an improvement and not a falling-off in the administration with a non-official Vice-Chancellor, Sir Sultan Ahmed. The other Universities of Bombay and Madras have got honorary Vice-Chancellors and we too have all along had honorary Vice-Chancellors and we have had great men occupying that post; and I do not see any reason why we should at this stage make a change. I think, Sir, at the present moment this question is not at all acute. So long as the Government are not prepared to take up the question of amending the Calcutta University Act, I think it is better that the matter should be left as it is.

Maulvi ABUL QUASEM: Sir, I would ask leave of the Council o withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the lemand of Rs. 4,34,753 under the head "31A—Education (Transferred) —Grants to Universities—Calcutta University" be reduced by Rs. 100 inadequacy).

Sir, as I have pointed out in my note, this cut motion is simply lirected to draw the attention of the House and of the Government to he inadequate grant given to the Calcutta University. I am sorry hat Mr. Syamaprosad Mookerjee is not able, on account of very grave llness of his son, to attend the House and to move the motion No. 451, which is exactly the same as my motion. I am sorry not only for he reasons which have prevented him from coming to the House, but I am more sorry because the facts regarding the University would have been given to the House with authority and cogency by Mr. Mookerjee —an authority and cogency which any utterance of mine on this subject must lack. I have tried a little to go myself into the question of the grant of the Government to the University. As far as I can make out, I may preface all my remarks that I am speaking subject o correction, because I have not the advantage of Mr. Mookerjee with regard to the facts and my remarks are based on information received from others. So I hope the Hon'ble Minister would be pleased to correct my remarks if any of them are not correct. As far as I can make out, a few years ago there was a Committee appointed by the University, known as the Reorganisation Committee. This Committee made out a statement showing that they wanted somewhere about Rs. 6 lakhs per annum in order to be able to carry on the work of the University and to make the necessary extensions and improvements in he University. As soon as this report reached the Government, the "prompt reply" went back that Government was unable to find so large a sum of money. When I say "prompt reply" I do not know how long Government took in sending the reply, but the reply which was sent was to the effect I have already stated. Then followed negotiations between the University and the Government and some time, I believe in 1932, Government promised a grant of Rs. 3,60,000 annually to the University in order to supplement the Fee Fund of he University; at that time the University had agreed, in view of he financial stringency of the Government of Bengal, to drop most of the schemes for extension and improvement; but they said that they would go on with their immediate necessities fulfilled if a sum of Rs. 3,60,000 was guaranteed to them. Government, I understand, sanctioned that grant and made it a condition that if in any particular year the income of the University from the Fee Fund exceeded a

certain figure, I believe Rs. 11,72,000 or something like that, the grant would be proportionately curtailed. Well, that is, I understand, the explanation of the cut in the grant this year. It may be that so far as the University is concerned they had accepted that condition, and therefore it may be a case of estoppel so far as the University is concerned. But my submission is that so far as the public of Bengal is concerned, so far as the interests of the people of Bengal are concerned, it is our business to see that the University has ample funds at its disposal for carrying on not only its ordinary day-to-day business but also the improvements and extensions which are so much overdue in the University. Sir, one of the things that I have personal knowledge of, I shall say at once, is the want of accommodation for the University staff. If members of this House were to go and see the rooms in which the clerks and other officers of the University work, they are veritable death traps! I shall say that that is a building which is not meant for an office at all. They are ill-lit and ill-ventilated, and I shall ask the Hon'ble Minister with all the emphasis that I can command to ask for figures from the University of the number of cases of tuberculosis among the employees of the University during the last few years. I am sure that the Hon'ble Minister who was himself, before his elevation to his office, a Fellow of the University, knows that several employees of the University have been stricken down with tuberculosis during the last few years. I submit that it is a huge public scandal and it cries out for reform. Then again take the Science College. As we all know, the Science College owes its existence to the munificence of Sir Tarak Nath Palit, Sir Rash Behary Ghose and the Raja of Khaira. Well, the Science College was founded several years ago for the great improvement and advancement in all branches of scientific training all over the world during the last few years, and I submit that it is up to the University to bring those improvements and advancements to the students of the University, but they are unable to do it because the Government cannot supplement the grant. It does not matter, as I have said, whether according to the contract that was entered into between the representatives of Government and the representatives of the University who were, one must remember, in a very tight corner at that time in 1932, the grant of Rs. 3,60,000 might be diminished if the Fee Fund increased. I submit that in spite of that it is up to Government to be able to finance the University in its attempts to improve and extend its activities. There is another matter which one would like to touch upon and that is the location and the work of the University Press. I am quite sure that the Hon'ble Minister is himself aware of the cramped nature of the Press and the way in which the employees of that Press have got to work. The University cannot on account of inadequate funds rent a house outside the basement floor of the Darbhanga Buildings where the University Press is now located. I

submit it ought to be able to get a house outside and extend and improve the Press and a lot of its offices. Then again take the other matter to which the Hon'ble Minister adverted in his opening speech —the matter of physical education. If the University wants to do anything towards the physical education of the students of colleges and its own alumni, they cannot do it because of the inadequacy of funds. I am not quarrelling with the amount given to the Dacca University by statute, it is Rs. 5,50,000. I am quite sure that the money is badly needed by the Dacca University, but I submit that so far as the Calcutta University is concerned, there ought to be also a statutory grant to the University and a much larger sum given to the University than the paltry figure at which it is placed in this year's Budget, namely, just Rs. 3 lakhs instead of Rs. 3,66,000. In the last year's revised estimate the House will see that Rs. 1,20,000 was deducted because of an increase in the Fee Fund of the University. Then again looking at page 64 of the Red Book you will find that the non-recurring grant to the non-Government Arts Colleges has been reduced to Rs. 48,203 from the revised estimate of Rs. 51,800, whereas I understand—here also I am speaking subject to correction—from motion No. 469 that the full grant was Rs. 1,29,000. I submit there is no reason why all these curtailments should be made in grants to the Calcutta University, and I hope the House will agree with me in thinking that Government ought to have made a fuller provision of funds to the Calcutta University.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I think my friend Mr. N. K. Basu is slightly labouring under a misapprehension as regards this question. If I explain the real position, I hope my friend will at least give us the credit that we have not dealt with the Calcutta University in the manner in which he supposes us to have dealt with it. The Calcutta University was brought under a certain formula in 1932. That formula was arrived at on this basis: the University said that their fee income was a certain amount of money; Government did not agree and said that it was likely to be much more than that and there was a controversy as to the actual figure. Then this formula was arrived at. Government said that they were taking the minimum figure that was suggested and on that basis they were prepared to wipe off the deficit, and that deficit was arrived at Rs. 3,60,000, but in case this fee income increased, then Government's share would be reduced not correspondingly but by half. So my friend will realise that at this stage Government's position was definitely not to take away the entire amount which was likely to accrue to the Fee Fund, but to give to the University half of it for its development. Apart from that, Rs. 3,60,000 is not the only liability of the Government to the University and as a matter of fact, if facts are brought to his notice, he will see that it is not only Rs. 3,60,000 that is paid by Government to

the University, but in addition we pay Rs. 30,000 to the Calcutta University for administration and inspection, Rs. 30,000 for general purposes, Rs. 10,800 for the Hardinge Professorship, Rs. 10,000 for George V Professorship, Rs. 12,000 for the Science College Professorship, Rs. 15,000 for the University Lecturers, Rs. 2,000 for the University Special Readers, Rs. 2,156 as additional grant to the students, Rs. 10,032 for Sir Asutosh Professorship, and in addition to these we pay Rs. 8,700 for the College Improvement Scheme, Rs. 3,000 for the Depressed Classes Hostel and Rs. 20,000 for the Post-Graduate Classes in Physiology and Geology. If all these figures are totalled up, then even in the current year it comes to nearly Rs. 3,90,000. During the last three years we have been able to meet another liability to the extent of Rs. 80,000 incurred in connection with the teaching of Geology and Botany. If my friend wants more figures, I will give him the figures of the last 12 years—

		Rs.
In 1926-27 the Calcutta University got	...	5,68,000
In 1927-28 the Calcutta University got	...	3,70,000
In 1928-29 the Calcutta University got	...	4,36,000
In 1929-30 the Calcutta University got	..	4,40,000
In 1930-31 the Calcutta University got	...	5,98,000
In 1931-32 the Calcutta University got	...	5,42,000

Even in the year 1932-33 in which the figure was arrived at Rs. 3,60,000, we paid Rs. 4,94,000 and in 1933-34 Rs. 4,56,000. In the current year we have paid Rs. 3,91,000 and in the coming year we have budgeted for Rs. 4,30,000. I hope that will show that so far as the Calcutta University is concerned, we pay a sum of money which is not confined merely to the round figure of Rs. 3,60,000. So far as the question of the building works is concerned, I may tell my friend that when in 1932 this question was brought up, it was decided that so far as the University demand was concerned, which was Rs. 11,32,000 for buildings and Rs. 4,51,000 for other purposes, that they would have to be considered on their merits and the approval of Government would have to be taken for the allotment of funds. I have not been able to find out the papers within the short time of my office to see whether the University approached Government thereafter for any such work or not. But in any case I shall make an enquiry and find out whether the University did approach us for a further grant for buildings. Then, Sir, as regards the question of other Universities, I might give certain interesting figures to my friend Mr. Basu. It is rather interesting to me, because I was not aware that even other provinces treat their Universities in such a manner. Bombay with Rs. 22 crores of revenue gives only a grant of Rs. 1,21,000 to its University. Madras with Rs. 22

crores of revenue and having to give grants to three Universities, namely, Madras, Andhra and Annamalai, pay only Rs. 6,15,000. The Punjab which has got a revenue of 13 to 14 crores of rupees pay only Rs. 2,09,000. Sir, I am not raising this point to say that as a matter of fact the University has no demand on the Government, but I am simply showing that, having regard to the limited funds at their disposal and considering the way in which other provinces have come to the aid of their Universities on their programmes of education, the amount which we have paid to Calcutta University may not be considered so insufficient as it is supposed to be. I do not for a moment suggest that if financial conditions improve the University of Dacca or Calcutta cannot make out a good case for increased assistance. I myself feel that there is great necessity for reforms both as regards building programmes as well as other programmes on the part of each of the Universities, but considering the financial condition of both the Government as well as of the Universities, I hope my friend will agree with me that the amount which we pay is not such as will be considered insufficient for the time being. I do not think that it is necessary on my part to dilate on the matter any more, but I hope that after the explanation I have given Mr. Basu will kindly withdraw his motion.

Mr. Narendra Kumar Basu's motion was then, by leave of the House, withdrawn.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that the demand of Rs. 4,34,753 under the head "31A—Education (Transferred)—University—Grants to Calcutta University" be reduced by Rs. 100 (indifference to vocational education and undue encouragement to literary and theoretical education).

Sir, my object in moving this motion is to draw the attention of the House to the comparative indifference of the Government and of the University to the requirements of vocational education and to what I consider to be undue and indiscriminate encouragement giveu to purely literary and theoretical education. I know I am treading on very hazardous ground and I am in danger of falling out with some reputed educationists in this House. To my mind most of our educationists in this country are but theorists and idealists, and naturally so, because they are not only the products of a primarily theoretical system of education, but also have remained confined within the four walls of that theoretical groove even after the completion of their University career. They will complain that the real function of a University is not to impart vocational training, but to cater for the training of men and women in the various arts and sciences in the higher sphere. Sir, I have indicated at the outset of my address that in moving this cut my complaint is not against the University alone, but against the Government also. Let me for the time being refrain from apportionment of blame. It is to be seen first of all whether there is any blame

at all. The question is whether the education of our boys and girls, our young men and young women is proceeding in the right direction. To my mind the answer must be an emphatic "No." No one can deny that undue importance is being given to a purely theoretical training and that the practical side has been relegated to comparative negligence. There has been a remarkable awakening of late amongst all classes of people as to the necessity of education. Even the poorest parent is imbued with the laudable desire to give some education to his or her ward. It is highly regrettable that proper advantage is not being taken of this national awakening. This awakening could have been and still can be turned into the greatest national asset. Unfortunately instead, all this exuberance is being misdirected to the detriment of the nation. The country is badly in need of an educational hero, an educational Mussolini or Hitler or Kemal Pasha, to direct and guide this educational awakening in the proper channel of national profit and not in the barren channel of stagnation of intellect and energy.

The present system has already played its part. I do not deny that it has played an important part. Time was when it was not unsuited to the needs of the country. But conditions are changing so fast that what suited us a decade or two ago has turned out to be altogether unsuitable to present requirements. Our colleges are turning out thousands of graduates every year. Are the majority of these young people able to turn their University education to good account in their lives? No, because the training they get make them fit for nothing but Government service or the overcrowded profession of law and to a certain extent the practice of medicine. Their education makes them unfit for everything else. The University diploma which a young graduate hugs to his breast as his best friend in life is in fact a diploma of disqualification. It makes him unfit for any wealth-producing calling in life. Kicked away from all avenues of profit in the battle of life, he becomes in nine cases out of ten a political and social malcontent. Sir, if we want more stagnation, more unemployment, more political and more social discontent, more terrorism and ultimately communism, the present system is eminently suited for that.

Sir, while pleading for equipping our young men and women for the battle of life, I do not in any way minimise the value of theoretical education. Theoretical education which includes scientific research should on no account be neglected. In fact, the present prosperity of the world is based upon the results of scientific research. The present-day world prosperity is nothing but the inventions of scientists in their laboratories, turned into practical shape for the good of humanity. Nor do I say that the arts should be banished from our universities. Life will be devoid of its zest without poetry and philosophy. What I object to is the headlong, blind and indiscriminate pursuit of a purely theoretical education and undue neglect shown to the practical side of education. I have used the adjective "indiscriminate" advisedly. To

ay mind a University should cater for the real intellectuals of a country nd should not indiscriminately keep its door open to all and sundry rrespective of whether a University education is suited for them, whether they are intellectually and in other ways fitted to take proper advantage of a University career. I condemn this policy of undue and indiscriminate encouragement given to literary and theoretical education that is imparted by the University. I do not however lay the whole blame at the door of the University—I mean the University authorities. Constituted as it is at present and circumstanced as it is it has perhaps to keep its door open to all. For the desired reform it is necessary to change the constitution of the University by amending the University Act, to make proper arrangements for overhauling and controlling the whole system of secondary education by constituting the long-wished-for and long-promised Secondary Education Board and also to make adequate provision for vocational education at every stage. It is up to Government to take early steps in these directions. Government has hitherto done very little on the plea of financial difficulties. If Government sticks to its present policy of inaction on the plea of shortness of funds, I can assure the House that we shall never get the desired reforms. I want to know what the Hon'ble Minister wants to say on this point. When he spoke on a cut motion as a private member over the demand for the University last year he said that the question of University reforms should be no longer delayed. Have his views undergone a change since? If not, what steps does he mean to take in this direction?

Now I would like to say a few words regarding the question I raised as to what should be the proper function of a University. Theorists may say that the University should not and cannot be turned into a technological institute. I think no one ever suggested that. The question is, should vocational training form part of the course of studies imparted by a University? I hope no one will say "No" to that question. The Hon'ble Minister himself has said that the Government has adopted the policy of giving a vocational bias to education at all stages. It is also gratifying to find that steps have been taken for the establishment of an agricultural department in the Rajshahi College, and in this connection I wish to express the gratitude of both the communities to the venerable donor whose munificence made it possible for Government to take this laudable and important step. I only wish that efforts in this direction should be implemented. Without impairing the legitimate requirements of literary and theoretical education, every effort should be made to equip our young men and women for the struggle for existence without which they can hardly succeed in the struggle of life. I hope the Hon'ble Minister will kindly look to this also.

With these words I commend my motion to the acceptance of the House.

Mr. SARAT KUMAR ROY: Sir, I rise to support the principle of the motion. You have heard from the lips of the Hon'ble Minister for Education a short sketch of the scheme which has been drawn up by the Director of Agriculture under the direction of the Hon'ble Minister for the proposed agricultural school in connection with Rajshahi College. Sir, the Hon'ble Minister has in his speech already quoted the text of the will of my late brother, Kumar Basanta Kumar Ray of Dighapatiya, in accordance with which will and with the money left by him for the purpose, the school will now be a reality. Sir, I take this opportunity of thanking the Hon'ble Minister on behalf of the executors to the will of my late brother, the members of my family and the people of Rajshahi, for his great enthusiasm and interest in materialising this project after it had to wait for such a long time. Sir, the case has been hanging fire for a rather long time and my revered friend, Babu Kishori Mohan Chaudhuri, and myself endeavoured to enlist the sympathy of this House several times in the past and to induce the Government to accept our proposal, but for various reasons we had been so long unsuccessful. One good, however, has accrued out of this long delay. The foundation has now swelled up to four lakhs of rupees and the income from them has now come nearly to Rs. 16,000 a year so that it has now become possible to draw up the scheme in a way so as to at least partially solve that vexed question of unemployment not only of the educated youths of the *bhadralok* class, but also to help the sons of cultivators in learning such subsidiary pursuits such as dairying, poultry-keeping, cigar-rolling and so forth. Sir, this proposed method of education is certainly vocational, and I hope if this school be further developed than it has been possible for us to do with the foundation, then its scope will be more widened and its existence more useful. But, Sir, to do that more money will be necessary and I hope that seeing the great usefulness of this sort of education for the people of Bengal now, the House will press the Government to gradually develop this institution, the nucleus of which is now going to be laid with the foundation left by my brother. Sir, I again thank the Hon'ble Minister for Education and also the Director of Agriculture for the great interest and trouble they are taking in materialising my brother's wishes.

Dr. NARESH CHANDRA SEN GUPTA: Sir, my attitude towards the motion of Maulvi Tamizuddin Khan can be best expressed by saying that I agree and differ. My friend has undoubtedly laid his hand on a sore spot in our national life. But I am sorry to say he has made a very faulty diagnosis and an altogether unsatisfactory prescription. Sir, the problem is there. The over-academic character of the education which our people have been seeking, the over-anxiety to get into careers which have been overstocked already has led the country into an economic impasse. The fact is there; but if my friend Maulvi Tamizuddin Khan believes that the solution of that problem can be

found by merely providing different kinds of education, I am sorry he is greatly mistaken. The question is not merely a question of providing vocational education. It is a question of a new economic organisation. It is a question of changing the bent of the mind of our people and directing them to other channels. Sir, it has been the good fortune or rather ill-fortune of Bengal that English education started for the first time in the province and that at a time when the permanent settlement was inaugurated. The result of that was that at a time when the Government had need for English educated people in large numbers, people went into the course of education which were open to them in increasing number and found their fortune in them. The result was disastrous. So far as English education is concerned the number increased not in Bengal alone but in other provinces as well. The avenues of employment which had given us fortune in the past were no longer open to us, and we forgot to turn to anything else. We not only forgot to turn to anything else, but forgot what we had learnt. In the fifties of the last century the Bengalees were promient amongst businessmen and the merchant princes of those days sometimes held their own against the firms of European traders. I need not go into details or give illustrations as they are well known; but all those avenues of employment were given up by the Bengalees deliberately. It was not because of the difficulty of going into business, but thanks to the permanent settlement, thanks to the allurement of the Government services and the paying professions, they turned their back upon business. The advantages of the resources of Bengal were taken not by the people of Bengal, but by the people of other provinces who came and settled here and made their millions. That is the fact which we have got to face. Sir, it is not enough, as I have said, at this juncture to have vocational education. My friend Mr. Tamizuddin Khan either fotgot or in his enthusiasm did not notice that even now the Calcutta University has got its vocational courses, not to speak of Law and Medicine. It has got an Engineering Course which is certainly a Vocational Course and a Technical Course and what is the position of engineers to-day—engineers turned out by the Sibpore Engineering College. Hundreds of them are loafing about in search of employment which they cannot find. Then, again, the University has got its Department of Applied Chemistry in the College of Science. Graduates are turned out from that who can turn their hands into industries. Some of them have done so and some of them have been very successful. But even there you have graduates who have qualified themselves as Industrial Chemists and in Applied Physics and other similar subjects who do not find any employment. That is the problem which you have got to solve first and foremost and certainly *pari passu* with providing vocational education. It is no use, it is absolutely waste of money and resources to launch on vocational courses of education without making sure that you are going to provide for employment for those who receive

such education. Engineers who have spent hundreds of rupees in obtaining education, and thousands who have gone to foreign countries and have come out successful find that all their money is wasted if they cannot turn their hands into any industry, and if they have to go on acting as land brokers or brokers of loans. It would be an absolute waste of time and money to go recklessly into the course of vocational education. What is wanted is not vocational education, but a well-considered scheme which will provide for an economic readjustment provided for development of the resources of the country in such a manner that our people will find employment in occupations productive of wealth.

We have got to make the Bengalee youth understand that there are other ways of life than the purely academic life or the life of a quill-driver. The examples are before them. My friend sitting in front of me reminds me of a great community the example of which might be followed. It is not by vocational education that the Marwari community have reached that eminence which they have acquired. It is not that they have any vocational education in the University, but because that community went into business and trained their young men to do business. That is what is wanted. It is not vocational education which will solve the problem; it is by the combined activities of the Government, the people, the Universities and the manufacturers and their earnest co-operation, and not in the happy-go-lucky way, but according to an organised system which has a definite object that the realisation of a richer destiny of the province can be attained.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

Rai Bahadur JOGESH CHANDRA SEN: Sir, I do not think it would be a breach of confidence if I say confidentially what I heard from the Hon'ble Minister about vocational education in Darjeeling. Since the day he has taken up this responsible position he has been dreaming of vocational education. He gave us to understand that he was going to revolutionise the whole primary education system and was going to introduce vocational education in the primary stages. He has got many ideas of his own. We should thank him for any start on these lines very soon. Theoretical training and all other things are certainly necessary to give us mental food, but I am sorry that many of us will not get bread out of that. I would implore and ask the authorities concerned to give us and arrange for a vocational training in agriculture, commerce, industry and other technical subjects so that we can learn how to earn our living and not die of starvation. Sir, there are thousands of educationists who will give us a good many points regarding this and we have heard something from our esteemed friend Dr. Sen Gupta. He is right in his own way. He says that we should follow the example of the Marwaris who never get any education

in the University, but get a training from their own family in business. But unfortunately in Bengal we are so educated that until and unless something is done through the Universities we cannot go ahead. I hope the Hon'ble Minister will bear all these points in his mind and will try to give us such an education by which we shall be able not only to get mental food but also food for our stomach!

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, even at the risk of being branded as a conservative, I rise to oppose the motion which has been brought forward by Maulvi Tamizuddin Khan. He has certain ideas with regard to vocational training which, I am afraid, are not based on solid foundation. I hope I shall not be misunderstood when I say that we should not neglect the cultural aspect of the question; I do not mean thereby that there should be no provision for vocational training in our Universities. As Dr. Sen Gupta has pointed out, Calcutta University has already made arrangements for imparting vocational training. The Engineering College at Sibpur is there. The University has also got the Commerce Department under it which affords splendid opportunities for our young men to undergo vocational training. May I ask the Maulvi Sahib as to what he would have done if he had not received cultural education in the University? It is because of his University education that he commands a lucrative practice at the Faridpur Bar. May I ask whether he would have been able to contribute to the learned debate in this Council if he had not received cultural education? We often hear it stated that the salvation of this country lies in vocational training. There is no doubt that vocational education is of some importance particularly at the present moment. But we cannot ignore cultural education altogether. You, Sir, in presiding over the Golden Jubilee Celebration of the Jagannath Intermediate College at Dacca the other day rightly pointed out the importance of cultural education. The necessity for cultural education cannot be overestimated. I frankly confess it is an asset to the country; we cannot, therefore, afford to pay less attention to it. No doubt, to-day on account of of her high culture, traditions and civilization, the eyes of all foreign countries are fixed upon India. Maulvi Tamizuddin Khan has referred to certain facts and figures in support of his motion, but, Sir, I have not got sufficient materials at the present moment to support my views in regard to cultural education; but it will appear to anybody who has considered carefully both the aspects of the question that it will not do for us to neglect the cultural side altogether. I hope the Maulvi Sahib will have the goodness to withdraw his motion, since it will hardly serve any useful purpose. We have already been told by the Hon'ble Minister that he is not in a position at the present moment to provide the necessary funds for imparting vocational training in Calcutta University. With these observations, I beg to oppose the motion.

Maulvi SYED MAJID BAKSH: Sir, unfortunate is the patient who is attended by many doctors who prescribe divergent remedies and differ hopelessly in applying them. We know that 50 or 76 years' progress—as you might call it—of the Calcutta University has produced a certain state of difficult situation—a situation, I should say, which requires attention. There I do not differ. But I think it is not the proper time for us to divert our attention to merely prescribing of cant phrases and commonplace platitudes. Sir, I am told that what the students need at the present hour is vocational training. If I remember aright, the late Mr. Panchkari Banerji of the *Nayak* translated it as *Bokashanal* training. I do not exactly follow what is the real meaning underlying this motion. What is, after all, this vocational training? It is a course to be prescribed by the University, to be followed and read by the students; and after having done that, it is to be followed again by a course in the general line, *i.e.*, the degree and the usual want of employment, even after the vocational course. (Laughter.) That, Sir, is not really the remedy which ought to be prescribed for the evils from which our students and our young men suffer. (RAI BAHADUR KESHAB CHANDRA BANERJI: What about Law?) My friend, the Rai Bahadur, who has become successful at the Bar and has soared very high, sees everything level from the high position he has attained——

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: He is not a lawyer, but a *zemindar*.

Maulvi SYED MAJID BAKSH: All right, Sir. As a *zemindar* he must have paid very high fees to his lawyers and therefore thinks that the profession of a lawyer is a very lucrative one. However, it is not so exactly, because there are many at the Bar who have got to wait for a long time before they can have any sort of standing and even then they manage to live only a hand-to-mouth existence. They have practically in some cases to wait for 15 to 20 years until the seniors die out and they can command a lucrative practice. Before that time the Bar is not the proper place to which my friend wants to send the young men of Bengal.

Sir, it has been said that we, Bengalees, have a special aptitude for forensic learning: in Law we shine more. It is actually a fact. But the need of the hour is not Law but Trade and Commerce. If you prescribe a course of Trade and Commerce in the Universities and ask the students to appear at examinations, the same evils would follow as are masquerading under the present courses of the University. That, Sir, is not the real remedy to my mind. The real remedy, if there is any remedy at all, for the solution of the problem of unemployment of our youths, that remedy lies in the hands of Government. The Governments of other countries, which have been confronted with situations

like ours, have undertaken to employ the young men of those countries in business undertakings and commercial enterprises. Sir, the special attitude and the special opportunities the other countries have afforded to their young men raise automatically the question of founding of large industries which it is impossible to do without some sort of State aid. But there is no such thing in this country. Even our engineers, as some of my friends have pointed out, after finishing their engineering course, do not find employment. Where can they find employment? Certainly in big industrial undertakings. The engineers are out of employment, because the Government, the railways and other small engineering concerns cannot absorb all the material that is turned out by the University. As I have already said, there are no big industrial organisations which other countries have got and which could give employment to young men. Sir, if I were allowed to point out what other countries have done in this respect, I should like to point out that in Russia the State has solved the problem. It is the State which has undertaken the running of all big industrial and business concerns; it is the State which has undertaken to train all the young men; it is the State which has marshalled all the resources of the country; it is the State which has employed all the young men in every avocation and every walk of life for which they are fit and therefore has been able to absorb all the youths of that country. Sir, I might also cite the example of another country which, though not broadbased on socialistic principles, at least is based on another kind of socialistic principle—I mean the Fascist Italy. Applying the same principles of employment of all men by the State in industrial concerns, in educational institutions as well as in offices of the State, the Government of Signor Mussolini have undertaken State organisations on a socialistic basis and have therefore been able to employ all the young men. England, which is at present the greatest industrial country, has not yet been able to solve the problem of unemployment. Unemployment is attendant on the evils which a private enterprise generates. I do not like that the Government of Bengal should in a day go socialistic, but I should point out that the Government of Bengal ought to see that industrial development is carried out in this country. If industrial development is carried out, it will require funds and it is the duty of the Government to see that funds are provided, and if raw materials are absorbed by the industrial concerns, I think the educated youths both vocational and otherwise will also be absorbed. Till then it is useless to suggest any remedy: both are equally liable to be ineffective. You may remember that there is another country in the East, I mean Japan, which has also tried to solve this problem. Japan when it went on the way to industrialism and educated her youths according to the Western countries found out a large number of unemployed educated men and she being a country which cared more for her subjects than anything else settled down this problem. The Government of Japan started

industrial concerns and handed them down to graduates of the University who were trained in the University for the purpose. In this way of course Japan tried to solve this problem. It is a very difficult problem. Simply giving vocational training will be of no use because it will produce the same difficulty, the question of unemployment.

Mr. PRESIDENT: In either supporting or opposing this motion, is it necessary for you to give an exhaustive historical survey of the activities of other countries in this direction? You had better now come to the point at issue.

Maulvi SYED MAJID BAKSH: I am pointing out that vocational training will not remedy the evil, and the same evil will continue.

Mr. PRESIDENT: The point is whether vocational training should be continued or not.

Maulvi SYED MAJID BAKSH: If I say that vocational training will not solve the problem, my meaning is clear.

Mr. PRESIDENT: Do you mean to suggest that the countries about whose industrial development you have referred have no vocational training? I only want you to deal with the matter now before the House in a practical way.

Maulvi SYED MAJID BAKSH: I am trying to make it clear that if you impart vocational training in the same way, encouraging the people to start industrial concerns without absorbing the educated youths, simply imparting vocational training will be of no use. My only point is that the point at which the mover of this motion is aiming at is to induce the Government to impart vocational training through its Universities to its young men. I submit to you that that simply will not remedy the evil. Along with vocational training there must be institutions which will be able to absorb those youths who are given that training. So, this motion does not visualize the whole project. It simply looks at it from a very different angle than it ought to be viewed from. Therefore, I do not think that any useful purpose will be served in discussing this motion, and I think the mover will do well to withdraw his motion.

Babu KISHORI MOHAN CHAUDHURI: I do not see what reasonable objection can be taken to the thing which has been brought before the House by the mover of this motion. Really there is no arrangement for vocational education in Bengal; by vocational education I mean business training. Our youths are after completing their education generally quite unfit for any manual labour or doing anything

excepting to get any service under Government or under the commercial community. That is a thing which ought to be avoided, and my friend Mr. Tamizuddin Khan brings forward that question prominently before the House and it is time that Government should turn its attention to impart such an education as would enable our youths to earn a decent livelihood for themselves without looking to some sort of service. That is a thing which is absolutely necessary. I, for myself, Sir, have been from a very long time advocating that that sort of education should be provided in our University. About 30 years ago I was given a seat in the Provincial Agricultural Association. I worked in that Association for some time and I tried to impress upon the authorities to do something in that direction. The Agricultural Department could not do anything in that direction. On one occasion I had a talk with Mr. Hart, I believe, who was then the Director of Agriculture for Bengal or Eastern Bengal and Assam. While talking on the subject he told me that there was the difficulty as our men in the Agricultural Department did not know anything better than the ordinary cultivators. The cultivators cannot come to our experimental farm to learn anything substantial. In fact, for the last 12 years, we were trying to establish an agricultural institution at Rajshahi, and I am sincerely thankful to the Hon'ble Khan Bahadur Azizul Haque for now taking a practical step in that direction as has been announced in his speech, and I hope under his direction and management a real thing would be done in Rajshahi, where hundreds of youths would be able to get a training which will be of great service to them in their after-life. It is for several years we tried of course in a way which was not very alluring to the department and especially there was objection from the Dacca Agricultural Farm that whatever money Government could spare must be spent for Dacca Agricultural Institute and a very great arrangement would be made for imparting that sort of education and nothing need be done in Rajshahi. Now it has been possible for our Education Minister to see that something is necessary and with the fund which has been announced and, as has been pointed out by Mr. Sarat Kumar Roy, with the proceeds of the endowment amounting to Rs. 16,000 a year, the Education Minister has said that he could do something and, if necessary, hereafter it could be supplemented by a Government grant. With this sum he has evolved a scheme which, I think, would be really beneficial to our youths. If they could get education in scientific horticulture, poultry, etc., which the Hon'ble Education Minister is going to introduce in that farm, I believe it would be really good to our youths, and we cannot say that Government is indifferent as our present Education Minister has been paying serious attention to this sort of education which would be very useful to our rising generation. Unemployment is an evil which must be avoided and nobody says that the education which is now being imparted should not be given at all or that it should be closed by our University. There is no proposal that our University should close down the general education altogether

and that every penny should be spent for vocational training and in arranging for something which will be all utilised in business training. That is not my proposal, but I should say that agricultural education is necessary and something should be done which will be of much use to us in solving the question of unemployment. Sir, unemployment is in the educated community and not in the labour community. What sort of unemployment is there we all know. There are thousands and thousands of boys who after passing the Matriculation or I.A., B.A. or B.Sc. Examinations are doing nothing and they are not getting particular kind of education by which they can depend themselves and make out their living. That is a most important question and I do not think there is anything wrong on the part of my friend Mr. Tamizuddin Khan. I do not think it is necessary for him to withdraw his motion. He has only brought before the notice of Government a thing which is absolutely necessary for us, and we should be grateful to our Education Minister for taking practical steps in that line, and it would be our business to help him by our suggestions and co-operation so that he may succeed and something may be done for the youthful generation and for solving the great question of unemployment. I am fully aware that industrial education is necessary, and it is not only the business training that will be enough but some help is necessary to the men who get the business education to start any business for themselves by co-operative method or individually——

Mr. PRESIDENT: Kishori Babu, it is time that I should adjourn the House.

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 27th March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 27th March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 92 nominated and elected members.

Oaths.

Rai Sahib Monmohan Mukherji, nominated official, took his oath of allegiance to the Crown.

STARRED QUESTIONS

(to which oral answers were given)

Kunder Hat Station on the Assam-Bengal Railway.

*91. **Maulvi NURAL ABSAR CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state—

(*i*) the number of passengers alighting and entraining annually at the Kunder Hat station of the Chittagong-Laksham line of the Assam-Bengal Railway;

(*ii*) the number of 1st and 2nd class passengers; and

(*iii*) the annual collection of fares made at this station?

(*b*) Is the income of this station less than that of any other stations from Dhoom to Baraiyadhala?

(*c*) Is the Hon'ble Member aware—

(*i*) that there is no waiting room at the Kunder Hat station;

(*ii*) that the male and female passengers of that station have to suffer outside in the rain during the monsoon?

(*d*) Are the Government considering the desirability of having a waiting room at the Kunder Hat station?

MEMBER in charge of PUBLIC WORKS (RAILWAY) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) 33,217 passengers entrained during the year ending 31st March, 1934, and a similar number alighted.

(*ii*) One first class and 30 second class passengers entrained and 24 second class passengers alighted during the same period.

(*iii*) Rupees 12,200 during the same period.

(*b*) Yes.

(*c*) (*i*) Yes, but approximately 250 square feet of covered space is available to passengers for waiting in.

(*ii*) No. On an average 18 passengers entrain into and a similar number detrain from each train and the available covered space affords protection from rain.

(*d*) Kunder Hat station is included in the list of stations where waiting accommodation is to be provided as funds become available.

Ganja cultivation at Naogaon.

***92. Khan Sahib Maulvi MOHAMMED BASIR UDDIN:** (*a*) Is the Hon'ble Minister in charge of the Excise Department aware—

(*i*) that the Government promised to pay at Rs. 300 per *bigha* for ganja cultivation at Naogaon;

(*ii*) that they actually paid at that rate for some years;

(*iii*) that since last two or three years they have been paying even below the rate of Rs. 200; and

(*iv*) that the rate of Rs. 200 per *bigha* is less than the cost of production?

(*b*) Is the Hon'ble Minister aware that in consequence of the reduction of rate, the ganja cultivators are heavily in debt and have to sell their cattle and household articles for bare maintenance?

(*c*) Are the Government considering the desirability of restoring the former rates?

MINISTER in charge of EXCISE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) There was no such "promise." The Hon'ble Minister held a conference in 1926 at which Excise Commissioner, Registrar, Co-operative Societies, and the Manager and three Directors of the Ganja Society were present. It was decided at the conference that Rs. 300 per *bigha* was a fair price.

(*ii*) Yes, for 5 years, 1927-28 to 1931-32.

(iii) The rate was reduced to Rs. 200 per *bigha* in 1932-33 and 1933-34. This year it has been increased to Rs. 250. The rate has never been below Rs. 200.

(iv) No. At the time of the conference mentioned above the normal cost of production and manufacture was calculated at Rs. 150 per *bigha*. With the decrease in the wages of labourers, etc., in recent years, the cost of production has gone down.

(b) No. Some of the cultivators have difficulty in meeting their liabilities, as their profits have been reduced. The chief reason for this is not the reduction of the rate per *bigha*, but the restriction of the area under ganja cultivation by about one-half during the last 4 years, owing to decrease in the consumption of ganja and the gradual extension of ganja cultivation in Bihar and Orissa.

(c) No.

Bhairab bridge over the Meghna.

*93. **Babu KHETTER MOHAN RAY:** (a) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether Railway Board has decided the construction of the proposed Bhairab bridge over the river Meghna in the Assam-Bengal Railway in the next year or in the near future?

(b) Is the Hon'ble Member aware that there is a feeling of apprehension amongst the local people that the construction of such a bridge at Bhairab will cause an obstruction to the free flow of the current resulting in the silting up of the main channel of the river Meghna, and in intensifying annual innundation?

(c) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state whether the railway authorities, in deciding construction of the said bridge, have taken into consideration any possibility of the bed of the said river being silted up and raised by such construction, and have made provision against any such contingency?

*(d) Will the Hon'ble Member be pleased to state—

(i) whether the railway authorities or the local Government have taken expert opinion on the advisability or otherwise of the construction of the Bhairab bridge; and

(ii) whether the local Government have made any representation to the railway authorities on the subject?

(e) If the answer to (d) (ii) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of their representation?

The Hon'ble Sir JOHN WOODHEAD: (*a*) There is a provision of Rs. 8 lakhs in the railway budget for 1935-36.

(*b*) Government received a representation in 1930 which was based on an apprehension of flood.

(*c*) and (*d*)—(*i*) In the opinion of the expert advisers of Government the total waterway proposed to be provided is ample and the construction of the bridge is not likely to lead to any deterioration in the river.

(*ii*) No.

(*e*) Does not arise.

Babu KHETTER MOHAN RAY: With reference to answer (*b*) will the Hon'ble Member be pleased to state whether after receiving the representation from the people any enquiry was made?

The Hon'ble Sir JOHN WOODHEAD: I think the expert advisers of Government made an examination after 1930.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that the waterway that is proposed to be provided is sufficient to allow the same amount of flow of the current at the same time?

The Hon'ble Sir JOHN WOODHEAD: I believe that is the position, Sir.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to say whether there has been any deterioration in any river in Bengal by building bridges?

Mr. PRESIDENT: That is too broad a question and it cannot arise as a mere supplementary question.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if the expert advisers of Government have ever in recent years given any opinion as to the construction of any bridge which was likely to lead to any deterioration of the river concerned?

Mr. PRESIDENT: This is also not a very definite question, but I do not know whether the Hon'ble Member is prepared to answer it.

The Hon'ble Sir JOHN WOODHEAD: I cannot answer the question offhand, Sir.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether it is not a fact that the expert advisers of Government have not given any opinion in recent years as to any river having deteriorated by the construction of bridges?

The Hon'ble Sir JOHN WOODHEAD: I cannot answer this also offhand, and I must ask for notice.

Maulvi SYED MAJID BAKSH: Is it not a fact that the construction of a bridge slackens the flow of the current and incidentally caused deterioration of the river?

Mr. PRESIDENT: That is a mere matter of opinion.

Rai Bahadur KESHAB CHANDRA BANERJI: Are the expert advisers of Government the same as those who advised the Government with regard to the Dacca Aricha Railway, as a result of which the project has been abandoned?

Mr. PRESIDENT: Is it your point, Rai Bahadur, that the Hon'ble Member should disclose the identity of the experts concerned?

The Hon'ble Sir JOHN WOODHEAD: The expert advisers are the Chief Engineer of the Irrigation Department and the Director of Public Health.

Babu KHETTER MOHAN RAY: Will the Hon'ble Member be pleased to state whether the great river Meghna is deteriorating and whether decay has already set in?

The Hon'ble Sir JOHN WOODHEAD: I suggest that the member should put down the question to be answered by the Hon'ble Member in charge of Irrigation.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether there has been any arrangement in case of deterioration by which——

Mr. PRESIDENT: That is hypothetical, and I do not allow that question.

Payment of commuted pensions.

***94. Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether funds are now available for payment of the commuted values of pensions for which applications were made in 1930 and later?

(*b*) Is it a fact that applications for commutations of pensions are dealt with strictly in order of priority of receipt?

(*c*) What was the date of the last application on which commuted value of pension or of a portion of it has been paid and to whom?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) If the demand under "60B.—Payment of commuted value of pensions" in the budget for 1935-36 is voted by the House, the amount available for expenditure on these pending applications will be Rs. 2 lakhs. In this connection the member's attention is drawn to the reply given at this session to part (*d*) of unstarred question No. 41, put by Munindra Deb Rai Mahasai.

(*b*) Yes.

(*c*) The last application sanctioned was an application filed on the 3rd December, 1929. It is not the practice to disclose the names of pensioners who apply for commutation.

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state if he is aware of the fact that some of the applicants for commutation of pension are in great distress?

The Hon'ble Sir JOHN WOODHEAD: No, Sir, I am not aware that they are in great distress.

Civil suits filed in the Second Sub-Judge's Court at Faridpur.

***95. Rai Sahib AKSHOY KUMAR SEN:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing during each of the years commencing from 1928 and ending in 1934—

(*i*) the number of civil suits filed in the Second Sub-Judge's Court at Faridpur in which the Secretary of State in Council was a party;

(*ii*) the number of such cases contested by Government;

(*iii*) the number of such cases compromised by Government;

(*iv*) the number of such cases disposed of; and

(*v*) the number of such cases, in which the Secretary of State in Council was the plaintiff?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): A statement is laid on the table.

Statement showing the number of civil suits filed in the Subordinate Judge's Second Court, Faridpur, during seven years from 1928 to 1934 in which the Secretary of State for India in Council was a party, referred to in the reply to starred question No. 95.

Years.	(i) Number of cases filed.			(ii) Number of cases contested by Government.	(iii) Number of cases compromised by Government.	(iv) Number of cases disposed of.	(v) Number of cases in which the Secretary of State for India in Council was the plaintiff.
	Instituted.	Received from other Courts.	Total.				
1928 ..	1	..	1	1	.	1	..
1929 ..	.	..	.	..	..	..	..
1930 ..	1	.	1	1	1	1	..
1931 ..	3	1	4	4	2	2	..
1932 ..		3	3	3	2	2	..
1933 ..	2	3	5	4	1	2	1
1934 .	5	1	6	4	1	2	2
Total ..	12	8	20	17	7	10	3

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Recruitment to services.

49. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the Government of Bengal have received any resolution issued by the Government of India prescribing the percentage of appointments under the Government of India that should be given to the minority communities?

(*b*) If the answer to (*a*) is in the affirmative, what is the percentage fixed for the different communities?

(*c*) Is it a fact that the Government of India have fixed that on the population basis 33⅓ per cent. of appointments in respect of services under their control should go to minority communities and that 25 per cent. at least should be reserved for Muslims?

(*d*) Have the Government of Bengal prescribed any percentage, in the light of the resolution of the Government of India referred to above, for different communities in respect of the services under them?

(*e*) If the answer to (*d*) is in the affirmative, what are the different percentages for the several communities in Bengal?

(*f*) If the Government of India resolution has not been followed in Bengal, will the Hon'ble Member be pleased to state the reason for their acting differently?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. R. N. REID): (*a*) Yes.

(*b*) and (*c*) The member is referred to pages 771-73 of the *Gazette of India* of the 7th July, 1934.

(*d*), (*e*) and (*f*) The resolution of the Government of India applies to recruitment to the Indian Civil Service, Central Services, Classes I and II, and various other services under the Government of India, but not to services under local Governments. Conditions in the two cases being different, the question of applying to services under the local Government the percentages laid down by the Government of India for their services did not arise.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMANDS FOR GRANTS.

31—Education (Transferred).

MOTIONS FOR REDUCTION.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I am glad that my friend, Maulvi Tamizuddin Khan, has brought in this question about the controversy between literary and vocational education, but he is perfectly aware of the fact that in the opening speech which I delivered yesterday in connection with this demand, I gave an outline of the intentions of Government as to its future line of action. Government fully realises the defects and deficiencies of the present system, and it is the intention of Government to take up the question in right earnest in the coming year, and I hope, in view of that assurance of mine, my friend would be prepared to withdraw his motion.

Sir, I might, at the outset, say that this controversy over Literary *versus* Vocational Education has been a feature of the modern educational system almost in every country in the world. It is not merely confined to India and Bengal. The controversy has been going on all over the world, and the demand for a more practical type of education gave rise to what might be called "manual labour movement" in America some years ago, namely, that the work of the school must be combined with the work on the field. That controversy was not confined to America. At the end of the 19th century, a certain amount of vocational education which was confined to teaching of house work,

was introduced in the elementary teaching syllabus of secondary schools. The same causes lay at the root of the manual labour movement in England, and the same thing and the same controversy have been going on in other countries. This demand for vocational education is perfectly clear. The industrial expansion of the world created at one time such a demand that every educated man could find an opening for him in it. But the limit of absorption was reached very soon, and we have now come to such a state where the educated young men cannot find employment, and that is why it is not possible to find out avenues for every young man in the country. This question of demand for vocational education is in proportion to the number of young men who have not found suitable employment after completing their literary education. Sir, I might say in this connection that when the university education began in this country, we had no need for any education other than what was necessary for the training of administrators as also to uplift the intellectual outlook and for advancement of knowledge. The Calcutta University started with that ideal in view, and with the change in the circumstances, there was change at the same time in the curriculum as also in the method of teaching in the Calcutta University, and it is only in the past few years that we have come to such a position in which we find that unemployment is a problem which is facing our educated young men. It is for that reason that this new demand has arisen. But, Sir, this question of vocational education has been to a certain extent misunderstood. The question of its real and rightful place in education has been seriously considered by experts, but this has not yet been defined. What does vocational education mean? Does it not mean that a student has got to be fitted for the work he has to do in his after-life? But is that the function of the university? Is it possible for a university to make every student fitted for the work he might take up as his career in his after-life? It is not the only duty of the university to fulfil such functions as might make it possible for a student to take up higher pursuits of knowledge in Science, Medicine, Engineering, Commerce and so forth.

Sir, different countries are taking up this question from different points of view, and the function of our university has, on the whole, been more or less confined to the intellectual uplift and advancement of knowledge with such additional technical subjects as higher sciences. As I have already said, Sir, the rightful place of vocational education in a university has not been properly understood. Russia which is the country to which my friend, Dr. Sen Gupta, has just referred, tried to vocationalise the entire system of its education, and for some years we found Russia trying the experiment of entirely confining its education to vocational training. Sir, it has failed in Russia. Russia by experiment has seen that if education is confined to narrow vocational training, the position and outlook of the university is lowered. That is why

the system had failed in Russia, and Russia has been trying to revise its policy on education.

I may, in this connection, also say that different countries have been following different pursuits, but the necessity for vocational education has to a certain extent been felt even in India, and as a result of that, we have now classes in Commerce, Medicine, Engineering and other scientific subjects; we have got technical schools and colleges and we have also industrial and agricultural institutions to train up our young men in vocational pursuits. Sir, a reference has been made to Japan, and there the vocational training is divided into four parts, technical, commercial, agricultural and nautical. There is no necessity for nautical training in Bengal for the time being, but so far as technical, commercial and agricultural subjects are concerned, there are opportunities in Bengal even though in a limited form for our young men to be trained in those subjects. I was reading the report of another country, Natal, and I found that this country also has taken up vocational training. There the vocational training is confined to agriculture, commerce and industries and Sir, as I have already said, even here we have got opportunities to a certain extent for such training. Sir, in this matter, so far as the Calcutta University is concerned, it has done its duty in a manner which might give credit to the university rather than a motion of censure in the shape of a cut in the demand for grant under "Education." In spite of its many defects the Calcutta University has opened up classes in commerce, engineering, medicine and applied sciences—and the Calcutta University has been doing its very best in India—and recently also opened agricultural classes. But, Sir, as Dr. Sen Gupta has said, the difficulty in India, and particularly in Bengal, is that we are lacking the background. We know that our province is an agricultural province, and even then agriculture has not developed to a large extent. We have also taken up industrial development, though our province is still backward in industrial activities——

Khan Bahadur Muhammad ABDUL MOMIN: Whose fault is that?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: But it is not certainly the fault of the Education Department. In so far as Bengal is concerned, our young men have not got many avenues to pursue after finishing their university education.

Then, Sir, there is another factor to which also Dr. Sen Gupta has referred, and that is the psychological question. Sir, it is a fact that our young men are not even now prepared to take up manual work, in the way other countries have done. There is a good deal to be said about vocational education meeting the needs of the province; there is a good deal to be said in favour of the argument that vocational experience can be gained by working for some time at the job. Dr. Sen

Gupta is understood to have said that in America experiments have been going on in this direction, and the country has come to the conclusion that at least 75 per cent. of the services in the vocational field can be taken up by any man in the street if he studies the subject for a few weeks or months. If our young men so desire, they can take to any such pursuit, but they have not the tendency to do so. The real difficulty, in so far as our schools are concerned, is, as has been outlined in my speech the other day, that it is really confined to the class room and the extra class room activities have invariably been found wanting in our boys. The aversion of our young men to manual work has long been recognised, and we have been trying to remove it, but unfortunately the financial difficulty has stood in the way of our scheme being worked out. So far as physical training is concerned, the Government of Bengal and the Calcutta University have done their very best during the last few years to introduce physical exercises in the schools and colleges. I should say that during the last few years the movement in the physical development of our boys has made very rapid strides in various directions, and it is a pleasant feature of the time that the boys of our schools and colleges have been doing their level best in not only ordinary physical exercises but also in wrestling and other manlier games. That shows that the wind has blown in the right direction, and I think public opinion has interested itself a bit more in this matter. If the policy we propose to initiate fructifies, it will be possible for Bengal students to attain such physical fitness as would make it impossible for any one to condemn them on the ground that they are not fit for manual labour. Experiments in this direction have been going on at several places, viz., in the Sultanpur High English School in Birbhum where the boys are taking to cultivation in their afternoon hours in the Chatra school the boys have taken to field work in the afternoon hours, in the Jagganath Intermediate College they have been doing such work as well, in the Ullapara High School in Pabna, the boys have dug a tank by their own hands. It will thus be evident, Sir, that this movement is already there in the country, and I hope my friend will not complain if we are not able to realise our ambition all at once. The work has to be continued. The temperament cannot be changed in a day, circumstances which have come around us cannot be changed in a day, and I hope my friend will admit, after the speech I have made, that I am particularly conscious of the defect in our system of education and I will try my best in the course of a year or so to see that a definite policy in this respect is enunciated by Government.

Sir, I do not wish to take up more time of the Council, but I must request my hon'ble friend to see his way to withdraw the motion.

Maulvi TAMIZUDDIN KHAN: Sir, in view of what the Hon'ble Minister has said, I beg leave of the House to withdraw my motion.

The motion was, by leave of the House, withdrawn.

Mr. A. R. E. LOCKHART: Sir, I beg to move that the demand of Rs. 4,34,753 under the head "31A—Education (Transferred)—Grants to Calcutta University" be reduced by Rs. 100 (neglect of primary education *vis-a-vis* university education).

Mr. President, Sir, I am only going to deal very quickly with the general points of the case, because the time is short, and others better qualified than myself will also like to speak, while I am also anxious to hear the ideas of Government. As the motion says, my idea is that primary education is being neglected, compared to the amount spent on university education. I have drawn figures from the last quinquennial report on Education, and in 1926-27, as pointed out in that report, other provinces spent Rs. 6,28 lakhs on primary education as against Rs. 5,34 on secondary and higher education. For Bengal, the corresponding figures were 68 lakhs for primary, 1,28 lakhs for secondary and 88 lakhs for university education. In 1931-32, the figures were 82 lakhs for primary, 148 lakhs for secondary and 84 lakhs for college and university education. That clearly shows that we in Bengal are spending more on the higher courses of education than on primary education. There is no doubt in the minds of the community that I represent here that the University, as at present constituted, does not fulfil its objects. For some time we have been urged to train young Bengalis in business, to give them covenanted jobs, and set them up so as to see that they get a good chance in business. But we almost invariably find that the man with university education—the graduate of the Calcutta University—is entirely useless for hard business life. These are hard words, Sir, but true. We are not unsympathetic towards them, Sir, but these are facts, and, I think, this is due to the examination fetish. It seems to me that even the usefulness of middle and secondary education is vitiated by the obsession that matriculation is the goal. We go on turning out in huge numbers young men for whom there are no jobs, and even if there were jobs, they are in 99 cases out of a hundred usually not properly fitted for them. It is surely possible to check the entry into the university by insisting that only those who show exceptional merit in the lower classes should be allowed to go up higher. Concurrent with this overproduction of undereducated graduates, we have a deplorable state of affairs in the Primary Education Department.

The teachers are almost unpaid, very largely untrained and very often themselves uneducated while in an alarmingly high percentage of schools they have often to manage their classes with 50 or 60 boys. The personal touch which is so necessary for education to be of any use is entirely lacking and must obviously be lacking, and the result is the appalling wastage in the Primary Education Department. Literacy, I believe, when that report was written, was on the decrease instead of being on the increase, and we therefore urge that some of the money

now spent on universities should be diverted from there to the betterment of primary education. We are not opposed to university education as such—I wish to make that clear—but we are opposed to its present low standard.

With these words, Sir, I move my motion.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I think my friend Mr. Lockhart is labouring under a certain amount of misapprehension. I hope as a business man he will realise the difficulty of a man who is working with a deficit budget and if he does realise it and if he also does realise the circumstances against which Bengal had had to contend during the last few years as a result of the Meston Settlement, he will agree that even though we have not been able to do as much as we would wish in the matter of primary education, we have not at least curtailed our expenditure on this head. But on the other hand, we have slowly increased our grant for primary education. In the year 1924-25 the primary education grant of Government was about Rs. 17 lakhs and this was given to the local bodies. In the coming year a grant is provided for a sum of Rs. 22 lakhs, so that there has been an increase of Rs. 5 lakhs in spite of the difficult financial situation. This again, Sir, is not the entire expenditure on primary education for, apart from Government, the District Boards also are responsible for it in the districts.

Maulvi ABUL KASEM: Why?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: My friend asks why. Well, Sir, I am not contending with history and my friend knows that the definite policy of Government has been that the responsibility for primary education has so far been divided between the Government and the local bodies. The local bodies have not objected to it nor has public opinion condemned this practice; this system has been accepted all through, except that when the cess under the Rural Bengal Primary Education Act is imposed, the responsibility will be wholly on the part of Government but, up to the present time, as I have said, the responsibility has been allocated between the Government and the local bodies and it is these bodies who are responsible for the control and administration of the grants and for some considerable expenditure on it from their own funds also. The point of view to-day is not why the Government should not be wholly responsible for primary education, but the point is as to the inadequacy of expenditure on this subject. My point is that in addition to the sum of Rs. 22 lakhs that Government grant for this purpose the local bodies themselves spend about Rs. 36 lakhs, that is the sum spent by the District Boards. Municipalities too in their turn have got to spend a very large sum on

primary education, including the Calcutta Corporation for the city of Calcutta, and their grant is Rs. 10 lakhs a year. As regards other municipal bodies their grants for primary education taken together come up to a considerable sum. In addition to that the work of training primary school teachers on which Mr. Lockhart has laid such considerable emphasis is also a part of primary education work, because unless there are well-trained teachers primary education will altogether fail of its purpose. I say it for a fact that, so far as the training schools—the guru-training schools—are concerned, the amount expended on them is Rs. 1,70,000 and Rs. 4,28,000 and Rs. 80,000 which roughly amounts to Rs. 7 or 8 lakhs. These are expenditures incurred by Government for primary education though mainly intended for building schools. As I have said it is true that, proportionately viewed, university education gets a certain amount of higher grant but if we were to begin with a clean slate then we should spend less on higher education than on primary education, but we are not now beginning with a clean slate; the slate has already been written large and in a manner which we cannot efface and I think that it is undeniably true that the money which we have spent on higher education in this country cannot be said to have been ill-spent. The university has got an important function to perform. It has also to be remembered that life would be sterile if there was not a higher form of thought and education, and if my friend will compare the statistics of figures of grants given by this Government to the university he will certainly pause before he will criticise this "over-grant" of money for university education. Sir, as I have said, it is quite true that insufficient money is given for primary education and, as I have also said, if we were to begin with a clean slate, we should probably have to revise the figure, but we cannot probably think of closing the University of Calcutta and the University of Dacca; nor can we think of closing any of the existing colleges. Some years ago,—Sir, I hope it will be in the remembrance of this House—there was a proposal to abolish colleges and schools here and there, and at once through the whole of Bengal an agitation began to go on over this matter. That is where the difficulty comes in. Sir, Maulvi Tamizuddin Khan yesterday said that Bengal wanted an educational Mussolini, an educational Kemal Pasha and other things, but does he realise that a Mussolini can only function if he is supported by a strong public opinion? In Germany, Sir, Hitler has passed an order that the university shall not admit beyond a certain number of students: Is my friend prepared to say, if there was an order in Bengal that not more than a certain number of students shall be admitted to a college that public opinion will support it? Or, will they not move a vote of no confidence in the Minister? For it is the temperament of the people that is reflected in the activities of Government. I do realise that there are difficulties in the way of getting through such a scheme, but my friends should also remember that nothing can be done

unless there is strong public opinion in favour of it. And even in a matter like education I am quite prepared to cut down our expenditure on university education if the House is prepared to give us the proper sanction that university education should be curtailed.

Mr. SHANTI SHEKHARESWAR RAY: But what is your policy?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have said enough about my policy and I must say that the policy of the Minister is the policy of the House and a Minister cannot possibly exist without the support of the opinion of this House. I am therefore saying that it is no use formulating any poilcy. I am here to reflect and carry out the wishes of the House and I may frankly state here that if the House by a large section or majority express itself in favour of a policy, I should be quite prepared to give effect to it. Suffice it for me to say that, so far as this cut is concerned, I am in full sympathy with the object, but you should also realise the difficulties that face the Minister. At the same time I must say that Government is slowly trying to rectify any mistakes that may have been made in the past, and when Bengal's finances are rehabilitated the effort of Government should be to spend more and more on primary education, and so far as expenditure on higher education is concerned, although it will be difficult for them to curtail the activities of the university, they must see that they function properly, and yet primary education be not starved. With this assurance I hope, Sir, Mr. Lockhart will kindly withdraw his motion.

Mr. A. R. E. LOCKHART: I beg leave of the House to withdraw my motion.

On the question being put Mr. Abul Kasem objected to the motion being withdrawn, but later on the House as a whole gave permission to the withdrawal of the motion.

The motion was then, by leave of the House, withdrawn.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that the demand of Rs. 4,34,753 under the head "31A—Education (Transferred)—Grants to Calcutta University" be reduced by Rs. 100.

Sir, I want to raise the old question of the reform of Calcutta University, and it will involve the bringing in of a Bill to amend the Calcutta University Act. This matter has been delayed for a very long time.

Reverend B. A. NAG: Sir, I rise to a point of order. May I know what was the time allotted for the discussion of this demand?

Mr. PRESIDENT: That is not a point of order. Moreover, the information has already been supplied to you.

Maulvi TAMIZUDDIN KHAN: The question has been hanging fire for a very long time and the only plea that Government has so far adduced for not taking up this much-desired reform is that it has no money for the purpose. But, Sir, how does Government require money for this purpose? They say that money is required for compensating the university for the fee income that the university will lose in case a Secondary Board is established and the Matriculation Examination controlled by that body.

(At this stage the time allotted for the discussion of this demand having been reached the mover resumed his seat.)

The motion was then put and lost.

The original motion of the Hon'ble Khan Bahadur M. Azizul Haque that a sum of Rs. 1,10,46,000 be granted for expenditure under the head "31—Education (Transferred)" was then put and agreed to.

32—Medical.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 42,28,000 be granted for expenditure under the head "32—Medical."

Sir, the total expenditure under head "32—Medical" for the year 1935-36 is Rs. 50,41,000 as against the revised estimate of Rs. 42,28,000 and Rs. 49,14,000 the budget estimate for the current year. The causes of increase have been fully explained on pages 66 and 67 of the Red Book. The grant for thana and village dispensaries has increased from Rs. 95,000 to full one lakh in the next year's budget and a provision of Rs. 12,500 has been made for a non-recurring grant to the Jadavpur Tuberculosis Hospital. All other grants remain practically the same as in the current year.

The activities of the Medical Department during the year now approaching a close included maintenance of 7 teaching institutions,

viz., the Calcutta Medical College and 6 Medical Schools, one Research Institution—the School of Tropical Medicine. There are altogether 1,268 hospitals and dispensaries in the Presidency including State Institutions, those established and maintained by local bodies and private individuals with or without aid from Government. Most of these hospitals and dispensaries are under the supervision of the Medical Department. Of these 1,268 hospitals and dispensaries there were 44 in Calcutta and 1,224 in mufassal places. The 44 Calcutta hospitals provide 3,665 beds while all the mufassal hospitals and dispensaries put together provide 5,714 beds; 917,962 patients were treated in the Calcutta Hospitals against 9,807,418 in the mufassal. Of the patients treated in the Calcutta Hospitals 178,174 were treated in the Medical College Hospitals alone. It is thus seen that the patients treated in the Calcutta hospitals alone for about 9 per cent. of those treated throughout the province and about 18 per cent. of those treated in the Calcutta hospitals were dealt with in the Medical College Hospitals only.

The cost of maintenance and upkeep of all the hospitals and dispensaries in the province amounted to Rs. 56,76,141 of which about 32,00,000 were spent on the Calcutta hospitals and dispensaries only and a little less than Rs. 25 lakhs on those of the rest of the province.

It is quite clear that the public is steadily becoming more and more hospital-minded. In 1933 the daily average attendance in the indoor wards of the Calcutta and mufassal hospitals was 2,544 and 2,164 against 2,351 and 1,997 respectively in 1932. The percentage occupation of beds in the Calcutta hospitals was 82 against 79 and in the mufassal hospitals 64 against 59 in 1932.

Facilities for X-ray diagnosis and electrical treatment are now available in the following hospitals outside Calcutta, viz., Midnapore, Burdwan, Berhampore, Darjeeling, Dacca, Barisal, Chittagong and Rangpur.

The popularity of the hospitals in the Medical College group is truly remarkable and the attendance of patients under treatment in them has now reached the unprecedented figure of 2050·35 on an average per day. Increased attendance of patients means increased expenditure under the various heads which in spite of financial stringency Government are not able to resist. To give but one illustration, the allotment under medical and surgical requisites in the current year has had to be increased to Rs. 1,40,000 against Rs. 1,14,000 at which it had stood hitherto. Some of the Medical College buildings require modernisation. Realising the importance of the change where absolutely necessary a sum of Rs. 22,000 has been provided in the

budget of the new year for modernising the lavatories attached to the Indian wards in the Medical College Hospital. The work will, it is felt, be greatly appreciated by all concerned.

The greatest deficiency in these hospitals is in the matter of nursing. The year 1934 was marked by the passing of the Nurses Registration Act, which it is hoped, will greatly help the cause of nursing. Three years ago Government appointed a committee to go into the matter and the report of this committee has been under careful consideration for some time. Much as the need is appreciated and its importance realised, the great stumbling block in the way is lack of funds. Thanks to the Calcutta Hospital Nurses Institution, through whose kind efforts a good deal of public charity is tapped, the financial burden on Government for nursing in two of the large hospitals, viz., the Medical College Hospital and the Presidency General Hospital, is only about Rs. 1½ lakhs a year, although the full cost to the Institution is about 3 times that figure. The contribution paid by Government this year amounts to Rs. 1,53,000.

Financial condition of the province will not permit Government undertaking any larger financial liability but the need for strengthening the nursing staff in all the State Hospitals is fully realised, and before long Government will have to face the problem as best as they can in the present state of the provincial finances.

In connection with nursing Government are fully alive to the need of affording suitable facilities for Indian girls to receive training in this noble profession and with this object in view, a scheme is under contemplation of making arrangements in the Medical College Hospitals of taking 5 Indian lady probationers every year especially, provided suitable candidates be forthcoming.

The following improvements of an important nature were effected during the year under report in the institutions noted below:—

Expenditure in State hospitals in 1933 amounted to Rs. 27,33,848 against Rs. 23,59,668 in 1932, showing an increase of Rs. 3,74,180.

A few words must be added about the Medical College which is the largest and the oldest Medical College in India. It has been the first to celebrate its 100th anniversary which fell on the 28th January this year. The occasion was observed with due ceremony and was marked by the decision to erect a block of buildings to be called the Sir John Anderson Casualty Department and ward within the compound of the Medical College group of hospitals. An amount of nearly 3 lakhs of rupees has been subscribed by the charitable public and it is

hoped that the fund will be further largely augmented as the total requirement of the Committee appointed to deal with problems connected with the occasion is five lakhs. If this money should be forthcoming, apart from the Casualty buildings, wings may be erected to house all the branches of the out-patient department in one central place—which will be enormous convenience to the suffering public who resort to it for treatment. The arrangements and equipment too all round will be much more up-to-date, so that when all this has been done Calcutta will be able to have the just pride of possessing the best Casualty and Out-patients Departments in India.

Apart from the buildings, it is hoped to be able to provide a good stock of radium not only for application in the department but also to prepare solutions of emanations for sale and distribution all over the province. For all this, of course collection of sufficient funds is the essential condition.

Government have undertaken to find an additional sum of Rs. 25,000 a year for the maintenance of the new department. The college and the hospitals connected with it have worked with usual efficiency during the year. The number of students under training were 614 against 595 in the previous year.

With regard to the college it will be seen that two new schemes have been accepted by Government this year and provision made for them in the next year's budget. These are for the staff for the Pharmacology Department and a curator and 2 technicians for the Pathology Department. Both the schemes are of considerable urgency. The Pharmacology Department has been practically non-existent in this college until recently. Two years ago the requisite building and equipment was found, but full use of it was not possible for want of staff. This defect has now been rectified. The Calcutta University Regulations lay special stress on practical and experimental aspects of the teaching of Pharmacology which will now be possible to fulfil fully.

Sir, I cannot close my remarks without some observation about the condition of the sadar hospitals in district towns. They are maintained by Government, the local bodies and through private benefactions. Most of these institutions except those at Berhampore, Mymensingh and Chittagong are by no means in a satisfactory condition and they require lot of improvement including reconstruction of the hospital buildings, improvement in accommodation and equipment. Government propose to take up this question and to frame schemes for their improvement which might be utilised when funds are available.

Another matter which Government have already taken up is the improvement of hospitals attached to the medical schools by asking

the local bodies within the Division in which the institutions are situated, to contribute towards their improvement. As the House is aware we have got at present 5 medical schools in the mufassal, viz., at Burdwan, Dacca, Mymensingh, Chittagong and at Jalpaiguri. Except the Mitford Hospital at Dacca the other three require considerable improvement. In establishing medical schools Government accepted the responsibility for maintenance of the schools while the local bodies of the hospitals. For proper clinical training of the students and to make these schools efficient it is necessary that the hospitals should be improved by providing them with up-to-date equipments and nursing arrangements. This question has already been taken up and it is hoped that a solution will be reached within next year.

Before I conclude I have great pleasure in announcing that Government have received a generous contribution of Rs. 2,82,000 from Babu Ram Kumar Bhangar of Messrs. Mungi Ram Bhangar towards the capital expenditure of a Tuberculosis Sanitorium in Kalimpong. The scheme is under preparation. The Surgeon-General, Col. Stewart, and some members of a committee which has been formed for the purpose visited Kalimpong last week in order to select a site and they hope to make their recommendation within a short time. In the meantime we have received this generous contribution from the Marwari gentleman.

MOTIONS FOR REDUCTION.

Mr. MUKUNDA BEHARY MULLICK: I beg to move that the demand of Rs. 1,31,500 under the head "32A—Medical Establishment —District Medical Establishment—Pay of Establishment" be reduced by Rs. 100 (appointment of Sub-Assistant Surgeons from amongst the qualified candidates of the scheduled castes).

Sir, in moving this motion it is not necessary for me to make a long speech and take the time of the House to impress upon the Government the object of this motion.

My object, Sir, is to draw the attention of the Government to the desirability of making some of the appointments of Sub-Assistant Surgeons from among the qualified candidates of the scheduled castes. These officers, Sir, when appointed go out in charge of small dispensaries from where they can be of use to the poor people. These are officers who have natural sympathy for the poorer section of the people.

Whatever might have been said in the past, recently there have been many qualified candidates of these classes, and a large number of qualified candidates can now be found from amongst the scheduled

castes. They have passed out from the Campbell Medical School, Dacca Medical School and Mymensingh Lytton Medical School, or from the Chittagong or Burdwan Medical Schools.

Sir, in reply to an Unstarred Question No. 29 by Babu Satish Chandra Ray Chowdhury on the 13th February, 1934, the Hon'ble Minister gave the following figures regarding the appointments of Sub-Assistant Surgeons:—48 appointments were made between the years 1929 and 1933, that is, 3 appointments in 1929, 20 appointments in 1930, 5 appointments in 1931, 11 appointments in 1932 and 9 appointments in 1933, bringing the total to 48. Now, Sir, it is a matter of regret that none were appointed from amongst the scheduled castes—though we know there were candidates who came with recommendations from the Superintendents of the Medical Schools; but they were all refused, although they were sent up by the Superintendents.

The Hon'ble Minister may say that it is more or less a matter for the Surgeon-General and not strictly speaking for the Government. I would submit, Sir, with all respect to the Hon'ble Minister that that will be no ahswer, for we cannot get hold of any individual officer much less the Surgeon-General for anything done by him. It is for the Hon'ble Minister to give proper instruction to the heads of departments under him. We can only put forward our grievances to him for consideration and it is for him to give directions to his heads of departments. Sir, if the rules obtaining in Bengal Civil Service were followed then of these 48 appointments at least 5 would have gone to the candidates of the scheduled castes.

We do not ask Government to go out of their way in making any more concessions in favour of the scheduled castes than this, that when they answer to the requirements, their cases deserve a just and sympathetic consideration.

With these few words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I can assure the mover that Government have every sympathy with his motion. In fact, they are never oblivious of the interests of the depressed classes, as would be evident from the number of Assistant Surgeons recruited from that class during the last two or three years. Sub-assistant Surgeons not being available were not recruited—not because of any want of sympathy but because suitable candidates were not forthcoming. My friend, the mover, did anticipate my reply when he said that the selection lies with the Surgeon-General. The Surgeon-General invites applications, goes into the educational qualifications of the applicants and their fitness for appointment and then makes the selections. He did examine the claims of depressed class candidates as

well. Out of the Assistant Surgeons recruited in 1932 and 1934,—there was no recruitment in 1933—I may inform the House that out of 16 recruited in 1932, one was recruited from the depressed classes and out of 14 recruited in 1934 two were recruited from the depressed classes. But, as regards the sub-assistant surgeons, it is a fact that no one could be selected in 1932 and 1933, and there was no recruitment in 1934. Though there is no definite percentage laid down in the recruitment rules for appointments to be made from the depressed classes, there is a general instruction to the recruiting authorities that every consideration should be paid to the claims of the depressed and backward classes; and I can assure the hon'ble mover that Government do not propose to deviate from that policy. On the other hand, they are prepared to stress it and will certainly consider the claims of the depressed classes when the occasion arose. I think that, in view of this assurance, the mover will withdraw his motion.

Mr. Mukunda Behary Mullick's motion was then, by leave of the House, withdrawn.

Maulvi ABUL QUASEM: Sir, I beg to move that the demand of Rs. 4,03,000 under the head "32A—Medical Establishment—District Medical Establishment" be reduced by Rs. 100 (inspection of dispensaries by the Civil Surgeon, particularly in the Khulna district).

Sir, my motion is for the purpose of emphasizing the great need of dispensaries in the different parts of Bengal—particularly in the Khulna district—being regularly inspected by Civil Surgeons. Sir, under section 138 of the Bengal Local Self-Government Act, the local Government are empowered to frame rules for regulating the control and administration of dispensaries, hospitials, etc. Sir, in pursuance of that rule-making power, certain rules have been framed by the local Government, which are now in force. I refer to the rules regarding class III-B dispensaries—rule 29—which says: "That the Civil Surgeon shall be the superintendent of every hospital and dispensary in his district which is classified under these rules, and shall exercise complete professional control over the medical officer in immediate charge." Then, Sir, I shall read rule 31 which says: "The superintendent (*i.e.*, the Civil Surgeon) shall visit each dispensary in his district not less than four times annually, except by special dispensation from the Surgeon-General, and shall prepare and submit promptly to the Surgeon-General inspection reports in B.C.M.D. Form No. 29; and so on.

Sir, we have been told by the Hon'ble Minister in charge of the Medical Department that these dispensaries in the rural areas are multiplying and that Government are providing increased grants every year for these institutions. It is of the greatest possible importance

that the efficiency of these institutions should be maintained up to the proper standard; and in order to see that the efficiency is maintained, it is essential that the Civil Surgeon should regularly visit these dispensaries, scrutinize their working, point out the shortcomings and deficiencies of the medical officer in charge, and the compounder, if any. Sir, I have got, particularly, the case of my own district in my mind, and I can say from personal knowledge that about half the number of dispensaries in my district have not been visited by the Civil Surgeon even once during the last two or three years. I am not here to apportion the blame. I made an inquiry recently as to why these institutions had not been regularly visited by the Civil Surgeon, and I came to learn—I do not know if it is true that the travelling allowance provided for the Civil Surgeon of my district happened to be withdrawn by Government during this year. That was, probably, the reason why the Civil Surgeon could not inspect all the dispensaries, although he had a mind to do that. The Civil Surgeon ordinarily visits only those dispensaries which are situated at convenient distances from subdivisional headquarters, but those dispensaries which are situated in the outlying parts of the district, and far away from the subdivisional headquarters, have seldom the privilege of a visit from the Civil Surgeon. I do wish to stress the necessity of regular visits being paid by the Civil Surgeons to these dispensaries, as otherwise their efficiency is bound to deteriorate. If the Civil Surgeon is so busy that he cannot find time to visit the dispensaries situate in outlying places, some other officer must be found by Government, who might pay regular visits to these dispensaries. It is a matter of great importance, and I have tabled this motion with a view to draw the particular attention of Government to this very important problem. I hope Sir, that, if there had been any deficiency in this respect in the past, Government will take effective steps to remove it.

With these few words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in fact I have every sympathy with the spirit underlying this motion, and I do confess that during the years 1932 and 1933 there was considerable lack of inspection of mufassal dispensaries on the part of Civil Surgeons, and I am grateful to the hon'ble mover for having drawn the attention of this House and of Government to this matter. I may, however, tell him that the matter did not escape Government's notice. In fact, instructions were issued last year to the Civil Surgeons to make more inspections. So far as the district of Khulna is concerned, I do not think that the mover has got much reason for complaint. There are 31 dispensaries in that district. In 1933, 30

dispensaries were inspected and in 1934, 28 dispensaries were inspected. So I do not think that the number of inspections was by any means small——

Maulvi ABUL QUASEM: Sir, it may be that one dispensary was inspected more than once.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am speaking from the records.

Mr. NARENDRA KUMAR BASU: It may be that only 10 dispensaries were paid 28 visits.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not think that only 10 were inspected. It is not fair to assume that as correct. It may be, as the mover has said, that the dispensaries which are situated in inaccessible and outlying places might not have been inspected, or that those which are situated in important centres or easily accessible places were inspected more than once. In 1934, 28 inspections were made by the Civil Surgeon in the case of 31 dispensaries in the district of Khulna and I submit it is a fair record. In any case, Government have already taken up this matter and are going to impress it further on the Civil Surgeons that there should be more frequent inspections by them of dispensaries in the mufassal. In view of this assurance, I hope the mover will withdraw his motion.

Maulvi Abul Quasem's motion was then, by leave of the House, withdrawn.

(The Council was then adjourned for 15 minutes.)

(After Adjournment.)

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that the demand of Rs. 40,000 under the head "32B—Hospitals and Dispensaries—Presidency Hospitals and Dispensaries—Pay of Officers" be reduced by Rs. 100 (difficulties in getting admission, particularly in the Calcutta Medical College Hospital).

Sir, in this motion I intend to draw the attention of the Hon'ble Minister to the difficulties that patients have got to undergo in getting admission to some of the Calcutta hospitals, particularly the Calcutta Medical College Hospital. Sir, first of all the House will note that the expenditure incurred for the Calcutta hospitals compared with the expenditure made for the mufassal hospitals is very large. I do not like to raise the question that the amount is unduly large and that the amounts spent respectively for Calcutta and mufassal hospitals should be readjusted; all these questions I do not like to raise in the

course of this debate. Probably the justification is that the Calcutta hospitals are looked upon as hospitals for the whole province, and these hospitals actually entertain patients from all over the province. If that is so, I want to ask whether patients coming from mufassal as well as the poor patients from Calcutta should not have facilities for getting admission into the hospitals—the same facilities which the richer section of the people enjoy. That is the whole question that I want to raise. The question is a delicate one. It is more often than not that particularly in the Calcutta Medical College hospital a patient cannot get admission, unless he is rich enough to give a private call to the doctor in charge. If that is done, he can easily get admission. I do not say that all the doctors succumb to this temptation. But there is a large number who actually do that. That is my complaint. They can take undue advantage of their position, because there is a dearth in the number of beds. That is why these doctors find it possible to realise fees by way of private calls from patients. Had there been an adequate number of beds, probably there would have been no opportunity for the doctors to indulge in such things. Does not the situation call for an enquiry and does it not require the scrutinising eye of Government to be on the watch and see that the practice be discontinued? It seems to be a scandalous state of affairs. Probably it is very difficult to substantiate a charge like that, but I am sure many members of this Council must have some experience of these difficulties. I for myself have some experience. All I mean to say is this—that it may not be easy for Government to eradicate the evil, but just as Government keep a strict eye on some of the departments so that there may not be malpractices, similarly I should say that it behoves the Government in the Ministry of this Department that this matter should be looked into and a thorough investigation should be made. It will be really regrettable if this state of things should be allowed to continue for any further length of time. Sir, who are in charge of these hospitals? Who are the people who are in charge of the various wards in the Calcutta hospitals? These are the pick of our country, and it is highly regrettable that men of their position should succumb to such temptation. Therefore, it is necessary that not only for the protection of the poor patients but also for the preservation of the honour of our country that this state of things should be discontinued. No efforts should be lacking on the part of Government to make an enquiry into this matter. With these words, I commend my motion to the acceptance of the House.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I rise very early on this occasion to meet some of the points which have been raised by Mr. Tamizuddin Khan. I am extremely sorry that my friend with the reputation that he carried of being very fair and impartial to all did

not speak the truth but threw mud with the off-chance of getting somebody suffer from it. He has said that in the Medical College Hospital the visiting doctors are very anxious to get private calls, and that very often regulates the admission of patients in the hospital. I am not connected with the Medical College, but I happen to be a member of the Board of Visitors attached to the hospital, and as such I know what is going on in the hospital pretty thoroughly.

Khan Bahadur MUHAMMAD ABDUL MOMIN: You know very little.

Rai Bahadur Dr. HARIDHAN DUTT: It may be so according to my friend, Mr. Momin, whom, I am sorry to say, I have never seen within the four walls of the Medical College Hospital. So, how does he happen to know more than one who is connected in some way or other with the Medical College Hospital? However, I do not want to quarrel with him. Sir, I do not think it is fair to make insinuations against persons who have nobody here to defend them, except the Hon'ble Minister and myself. Previously the beds in the Medical College Hospital used to be at the disposal of the high medical officers attached to the hospital. That system has been done away with. The beds are now being attended to by the visiting physicians and surgeons who are eminent doctors of the city. I feel great hesitation in thinking that any of them would stoop so low, as has been suggested, that for a fee of say Rs. 16 or Rs. 32 or Rs. 64 they would grant admission to patients of their own in preference to those who require admission much more. There may be one or two black sheep everywhere, but that is no reason why the whole group should be denounced. However, I think what Mr. Tamizuddin has found out is true, namely, the difficulty in getting admission to the Medical College Hospital. But his diagnosis as to cause is incorrect. He ought to have found out how the difficulties in getting admission into the Medical College have arisen. They do not lie in the doctors but somewhere else. I might inform the House, particularly to the mufassal members, that the Calcutta Medical College Hospital at the present moment is extraordinarily popular. As a result everybody is anxious for getting admission into this hospital. At one time it was only a hospital for the poor. Thirty years before only poor people used to go to the hospital, but now men like my friend, Mr. Momin, or men of even higher position, are very much anxious for getting treatment in the Medical College Hospital. I have seen very highly paid officials of Government and the Corporation of Calcutta occupying beds in this hospital which, if they did not occupy, would have gone to serve other sick persons. These well-to-do peoples' present preference for hospital treatment have resulted in the medical men outside being deprived of

their dues, and the poor and middle class men who have a just right to beds in the hospitals are being deprived of the privilege of hospital treatment. If you pay a surprise visit to some wards in the Medical College Hospital you will find at least 25 per cent. of the patients who are already there are not poor people and can well afford to pay for their own treatment outside the hospital. When that is the state of affairs, how would the poor people get admission. At the present moment this is an important reason causing difficulties in getting admission into the Medical College Hospital. So far as I know, the Principal of the College, who is no longer a visiting surgeon and has certainly no anxiety for getting fees from patients for admission into the hospital, has to regulate admission in accordance with his knowledge or information about daily vacancies in the different wards of the hospital.

Khan Bahadur MUHAMMAD ABUL MOMIN: How often does he visit the hospital?

Rai Bahadur Dr. HARIDHAN DUTT: It is his duty to visit the hospital every morning and evening. The old days are gone when the head of the Medical College used to be a consultant to the Calcutta medical profession. At the present time medical practitioners of this city no longer go to the Principal of the Medical College who is altogether left outside the profession in the strict sense of the term. As a result of the present system the Principal himself knows how many beds are vacant and he directs the disposal of the beds. Of course he has certain men under him who dispose of the beds and if these men abuse their position, things may go wrong. But the visiting surgeons and physicians have almost nothing to do with the admission of patients into the hospital. Sir, I am particularly anxious to point out that the time has come when the Hon'ble Minister in charge of the Medical Department should try to find out how the difficulties of admission for poor people when they are seriously ill can be removed. On many an occasion I have seen people really very ill, seeking admission but being refused, with serious calamities to themselves. I have seen in some wards extra beds being placed much to the inconvenience of other patients. I have also noticed on some mornings 5 or 6 or even more extra beds placed in certain portions of the hospital. But there is a limit to extra beds. So, Sir, the remedy lies elsewhere. We have to find out how the abuse of hospital beds by well-to-do people can be prevented. Who have not seen gentlemen and ladies coming in motor cars trying to get admission into the Medical College Hospitals. I also know that certain portions of this hospital have practically been reserved for rich men. Certain rooms and accommodations are available for payment and these have become a monopoly of rich men.

You can well understand, Sir, how, instead of paying the doctors and the bills of the dispensaries, if they have to pay only Rs. 5 or Rs. 7 a day and get the assistance of the best surgeons and physicians in the country, for a month or so, what a tremendous difference that makes in favour of these rich. Sir, when Sir Surendra Nath Banerjea's attention was drawn to prevailing abuses and the financial condition of the Government was worse, he imposed some sort of charge for attendance and medicine. But at once there was a hue and cry raised by a class of people and they insinuated that Sir Surendra Nath had charged the poor man's medicine. That, Sir, was a misrepresentation of the facts altogether, and I think the time has now come when Government should take courage in both hands and see what can be done to prevent abuses. I have already suggested to the Principal of the Medical College as one of its visitors that there should be a charge from people who are able to pay. I do not want that the poor should be ousted but on the contrary they should be encouraged as much as possible and rooms should be made for them by keeping the rich out. Incidentally, Sir, I may say that there has been an extension recently built to the Eden Hospital and nearly Rs. 3 lakhs has been spent for it. But this extension is practically lying vacant without any bed and without anybody to occupy it. Simply because Government is unable to provide the recurring expenditure. If that accommodation was utilised for hospital admission, at least into the Eden Hospital, it would be easily available. I wonder who is responsible for this? The Government have spent Rs. 3 lakhs of the taxpayers' money without giving any return for it. The present Government is pleading inability to meet the recurring expenditure. The result is that a splendid house for hospital has been built with big rooms, which no patient occupies. I would, therefore, respectfully point out to Maulvi Tamizuddin Khan that the remedy is to sit together and ascertain how his grievance can be avoided. This Medical College Hospital is a great asset and every advantage of the same should be available to all persons including the poor. We may quarrel over our grievances in getting admission, etc., but we will also have to find out how the difficulties lying in our way are to be got over.

Before I resume my seat I like to point out that it will be worth the while of the Hon'ble Minister to ascertain public opinion on this point of levying a charge for medicines and medical help in our hospitals. I am perfectly certain that public opinion will generally support the introduction of a schedule of charges for hospital patients, keeping it free only to the poor, and to try to keep out the rich people as much as possible. I do not suggest that the rich people should be debarred from coming, but what I do suggest is that only a certain portion of the hospital may be reserved for the rich patients and that adequate payment must be made by them? Sir, I have known of

serious surgical operations which will cost Rs. 2,000 outside, being done in the Medical College Hospital without any cost whatever to the patients.

Maulvi TAMIZUDDIN KHAN: Rs. 2,000 for one operation!

Rai Bahadur Dr. HARIDHAN DUTT: Yes, certainly, the Surgeon would himself charge Rs. 1,000 and the assistants, nurses, etc., would take the other Rs. 1,000.

Then, Sir, I come to the eye ward under the Medical College Hospitals, over which eminent eye specialists preside. Naturally these reputed specialists attract a large number of persons to this eye hospital, which is at the present moment the best of its kind in the East, or in the whole of Asia. There was such a rush for some time past that it was impossible to pass through the corridors to the place where the patients were attended to. On the advice of the Visiting Board the authorities have divided the vestibule into different blocks and they have put in turnstiles to prevent the rush of the people and to protect the interest of poor people. All these have been done but still abuses may occur. It is extremely difficult to prevent abuses altogether and my friends ought to look at the practical difficulties in the way. So I would ask my friends to consider all these points instead of coming here with vague allegations against certain persons. If all interested will sit together and consider these difficulties and find out remedies then we can press upon the Hon'ble Minister. This is what, Sir, has made me to stand up at the present moment and oppose the motion.

Mr. C. C. COOPER: Sir, I find myself in agreement with both the mover of the motion and my friend Dr. Dutt. There is no question that considerable dissatisfaction does exist in Calcutta and beyond Calcutta over the difficulties of obtaining admission into the Medical College Hospitals. As far as I am aware, only junior medical officers are in charge of the admission rooms of these hospitals and I think more senior and more responsible men should be placed in charge. There is always the great difficulty that the beds are not adequate to admit all the would-be patients. The only thing I can possibly suggest by way of remedying this difficulty would be for the hospital authorities to advise the different thanas or different centres in Calcutta, 24 hours or 12 hours in advance, as to the actual number of beds that may be available each morning. As it is, no one has any knowledge when accidents happen or when, for instance, a terrorist crime takes place, and the wounded or other patients are rushed to the hospitals or of the accommodation available. Everyone seems to think that

like the widow's curse there is no end to the available beds in the hospitals. But unfortunately, Sir, there is an end to the number of beds in a hospital, and if beds are not available you cannot admit patients, and what is even worse still there is no question that the Medical College Hospitals are "over-bedded," in that there are more beds than the wards can reasonably hold if patients are to receive efficient treatment. I entirely agree with Dr. Dutt that to allow rich men to use these hospitals without payment is a wrong principle. The Medical College Hospital should be a poor man's hospital but it is being abused—I use the word "abused" after mature consideration, and I repeat the hospitals are being abused by people who should not be in the hospitals. For years past, Sir, I have been trying on behalf of the Calcutta Hospital Nurses Institution to get a levy made on certain beds and for the cubicles so that we might derive a certain amount of revenue from people who are able to pay for their treatment. A system has indeed been introduced within the last two years, I think, of paying for cubicles, but here, again, it is a very very nominal sum and people using these cubicles are well able to afford very much more than that now demanded. I say, Sir, we are all proud of the Medical College. It is a very fine institution but like all big things it has outgrown itself and it requires a lot of things to be done to put right what is now wrong, for which money is required. But we have now to go without money and cannot have these things attended to nor can we for want of money attend to the better supervision of nursing, I am in entire agreement with Dr. Dutt in his view that too many people do use the hospital and especially the Eye Hospital who can well afford to pay full rates for the hire of private rooms but they are using the main hospital and are obtaining medical treatment free, which is a scandalous state of affairs.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I have heard with some attention the grievances of Rai Bahadur Dr. Haridhan Dutt and it seems to me that he is not prepared to call a spade a spade. There are many things in this earth which cannot be dreamt of by ordinary philosophers. These facts may not be known to many members of this House or to the authorities but, Sir, facts are facts. I know personally, and I have heard from my kith and kin that they have to pay the doctors several fees before they could get admission into the hospital. These facts, Sir, cannot be gainsaid. These are patent facts and members inside and outside this Council know them fully well.

Rai Bahadur Dr. HARIDHAN DUTT: Do not throw mud everywhere. If you know of corruption or bribery, name the man who is guilty of that.

Rai Bahadur JOGESH CHANDRA SEN: I would not like to give out any names unless I am challenged. It is not fair to give names. That is why I suggest: face facts as they are, and do not hide these defects, however much they may be supported by a doctor-lawyer.

Mr. P. BANERJI: Sir, I rise to support the motion of my friend Maulvi Tamizuddin Khan. I fail to understand why of all persons Dr. Dutt should be so touchy because this question of medical men has been raised. Nowhere has it been suggested that all doctors are guilty of this sort of corruption. The mover of the motion has told us that there is a considerable amount of—as my leader suggests—honesty among them. But our point is that it is a crying shame, all the same. We also admit that the Medical College Hospital is an ideal institution and it may be the best,—so far as the Eye Department is concerned,—in the East. But that is not our point. The point is that, and for whatever reasons it might be so, one of the reasons as Dr. Dutt has said is the abuse committed by the rich people. If that is the fault of the rich people it is certainly to be pitied, but how can you rectify that? Dr. Dutt criticised me for a remark I made in course of the budget discussion on the subject of medical charges for poor people going to charitable dispensaries and was not my remark rightly made. I said that these dispensaries are only misnomers. Poor people who get to the charitable dispensaries for treatment are charged, say 6 pies, for medicine. But that is not the main point. The main point is that there is a certain amount of corruption in the hospitals—Calcutta hospitals—and the object of the mover in bringing this motion before the House is to bring it to the notice of the Hon'ble Minister so that he may make an enquiry and see if the allegations made are true and, if so, to redress them.

Sir, even from the speech of Rai Bahadur Dr. Haridhan Dutt who seemed to support the Government in this respect, it shows that there is great difficulty in getting admission into the Medical College Hospitals.

Now, Sir, one reason why mufassal people come to Calcutta hospitals for treatment is that the treatment available in the mufassal is poor and sometimes in hospitals there proper treatment is not made and doctors do not get expert opinion in complicated cases. Therefore complicated cases are generally sent by them to Calcutta. But what happens in Calcutta? These poor patients on coming to Calcutta find that there is no place for them in the Medical College Hospital, and they are refused admission. Unless they have relations or acquaintances in the Medical College Hospital staff they cannot get admission.

There is again another thing and that is that in order to get admission into the Medical College Hospital people have to pay fees to the doctors. The mover has said that in order to secure admission one fee has to be paid to the doctor, but I know of cases where people had to pay three fees to the doctor before they could secure a bed. Sir, one fee is not sufficient for these greedy doctors. After taking 2 or 3 fees they certify that the case is a very bad one and a fit case for admission into the hospital. This is done not only in Calcutta but in the mufassal also, and I have personal experience of the matter.

Then again, Sir, when a person asks on the telephone whether there is any bed in the Medical College Hospital he is informed that there are none, but that he may come and see in person. When this person goes to the hospital the staff manages to find him a bed if something is given to them. Sir, I know of definite cases where this has been done. It was probably year before last that this subject was discussed on the floor of this House and it transpired then that even the servants of big officials complained that they could not get admission without a *chit*.

I suggest therefore that the Hon'ble Minister will kindly make enquiry into the matter and if he finds that the doctors do take fee for admission of patients into the Medical College Hospitals or the staff take money for it, take proper steps and punish them. With these words I support the motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid. there has been a considerable confusion of issues over this question. There are some vague allegations against the staff of the Calcutta Medical College. One of the allegations is that they extort fees from the public for admitting patients; quite a decent number of the staff if not all is guilty of this serious offence. Sir, I repudiate this allegation altogether. Mr. P. Banerji and Rai Bahadur Jogesh Chandra Sen have said that they have got personal experience of such misdeeds on the part of the officers of the Medical College Hospitals. I ask them with all humility but in all seriousness why did they not bring it, as public men, to the notice of the authorities? Why did they reserve their energy to come here and make the allegations as members of this House? Are they prepared to make these allegations and substantiate them publicly? I pause for an answer. If the hon'ble member will do so, Government will certainly take steps and punish those officers. I give you this assurance. If the hon'ble members forget themselves and, taking advantage of the privilege that is attached to this House, make vague allegations against important members of the public service, it is up to me as a Minister of Government to challenge that

statement. (MR. P. BANERJI: "Shame.") Mr. Banerji says "shame." I say it is a matter of shame not only so far as those particular officers are concerned, but it is a matter of shame for the whole Bengali community, because after all who are those doctors? They are our own people. If they are guilty of such an offence I should say that the whole Bengali community stand condemned. My friends should, therefore, think twice before making such allegations in a light-hearted manner. It is a pity that they have been made without taking into consideration the seriousness of the charge.

Sir, I will now try to answer the points raised by Rai Bahadur Dr. Haridhan Dutt. The very fact that there is an anxiety to get admission into the Calcutta Medical College Hospitals goes only to show the increasing popularity of the institution. In fact, in my opening speech I did point out that the daily attendance to the Medical College Outpatients' Ward reached the unprecedented figure of 2,504; in the case of the indoor patients' ward also the number is daily increasing. As is well known to anyone who had occasion to visit the Medical College Hospitals that there are about 700 beds. They remain practically full and extra beds have to be provided in the midst of the two rows of beds both in the medical and surgical wards for accommodation of patients. Mr. Cooper and Rai Bahadur Dr. Haridhan Dutt say that rich people take advantage of the less costly treatment in the hospitals and thereby keep out poor men. My friends are aware that there is a large number of general beds and only a few cabins, cottages and beds reserved for paying patients. Rich people generally go to these paying beds or to the cabins or cottages. Those beds are not meant for poor people because they cannot afford to pay the daily fees. The policy of Government in this country about hospitals has all along been to cater to the poor by providing free medical relief. The Medical College Hospitals are mainly meant for the poor; but a certain number of beds are reserved for the middle class or the so-called rich people on payment of a daily fee. I am not aware that people who are capable of paying, do not seek admission to these paying cabins or beds but occupy the general beds. I understand that they are mostly occupied by the poor patients. There may be a few cases in which the public charity is abused. Such abuse can hardly be prevented.

Sir, I would point out that the Principal of the Medical College, as has been mentioned by Rai Bahadur Dr. Haridhan Dutt, is no longer a Professor of the Medical College. His duties are mainly confined to superintendence. He goes about the hospital from morning up to 12 o'clock and it is very difficult for the staff to charge fees from persons seeking admission, without being detected by him. Government are

anxious to improve matters, and in this they invite the co-operation of the public and particularly of the members of this House. If any specific instance of abuse is brought to the notice of Government, I give the assurance that Government will see that it is removed and the officers concerned are at once punished. But beyond this I can say nothing.

Sir, one point mentioned by Mr. P. Banerji is that in the mufassal people do not like to go to the local hospitals and prefer to come to Calcutta and seek admission into the Medical College Hospitals. That is a fact. Improved communication and higher standard of medical relief to which the public of this province are getting accustomed make them come to Calcutta for admission to the Medical College Hospitals. I cannot but admit that the standard of treatment in the mufassal hospitals is far below that of the Calcutta hospitals. Only additional expenditure by Government or local bodies or by both can bring them to the standard or anything approaching the standard of the Calcutta Medical College Hospitals. Sir, I do not think I need labour this point any further. But I would repeat my assurance that if any particular instance of abuse is brought to the notice of Government, they will take every step that they ought to take in the matter and punish the officer who has abused his position as one of the staff of the Calcutta Medical College Hospitals. In this connection I would remind the hon'ble members that most of them are members of the Indian Medical Service or senior members of the Provincial Medical Service or of the independent medical profession, so it is not at all likely that they would abuse their position on the staff of the hospital by charging fees for admitting patients. I would request the members of this House not to place any reliance on statements that are made in a lighthearted manner.

Maulvi ABUL QUASEM: Sir, the Hon'ble Minister has repudiated the allegations made by the previous speakers because he says that vague allegations were made against public servants and said it was a shame for responsible members of Council to make such vague allegations. Sir, standing here I do say that we have as much sense of responsibility as the Hon'ble Minister himself or any other member of Government has. The allegations have got necessarily to be vague. For obvious reasons names cannot be mentioned here. If the Hon'ble Sir Bijoy Prasad Singh Roy would try to get in a patient anonymously—that is to say, without making it known that the patient is under his patronage—he will see for himself what will happen, and he will have some experience in this matter. The officers concerned

in the Medical College may be eminent doctors, but they are not without good. Sir, the rebuke that has been administered to the members of this Council by a fellow-member—I mean the Hon'ble Minister—is entirely undeserved and I do vehemently protest against it. (Cries of "Shame.") We often in this Council say that the police are corrupt, that the civil court *amlas* are corrupt. Can anybody deny that these allegations are correct? Everybody knows that these allegations are only too true; only we do not give out the names. Corruption does prevail: it is a fact—an undoubted fact—that corruption does prevail in the Medical College Hospitals. I can speak of cases, but I cannot give the names for obvious reasons. No member of this House is certainly lacking in a sense of responsibility when he makes allegations regarding the integrity of the medical officers of the hospitals. I, for one, am entirely unconvinced and unrepentant. In spite of the rebuke which the Hon'ble Minister has administered to some members of this House, I do believe that he knows that we do not deserve it. We make such allegations in the public interests on the floor of this House, so that Government may take a note of the prevalent feeling. Government may make enquiries secretly and privately to see whether there is any foundation for the allegations made. If Government can employ spies and informers to ferret out terrorists, they can as well employ spies and informers to find out the truth of these allegations. We intensely resent the gratuitous and uncalled for attack made by the Hon'ble Minister upon us. I do respectfully but vehemently protest against the rebuke that has been administered by the Hon'ble Minister and I hope that he will in his cooler moments think better of it. I wish to tell the Hon'ble Minister that no amount of displeasure displayed by him is going to deter us from our duty by the public in this Council, according to the light that God had vouchsafed to us. We certainly are not going to be guided by the light which the Hon'ble Minister and his colleagues in the Government may be shedding.

Mr. S. M. BOSE: Sir, I am sorry for the great heat which the last speaker has given vent to. There is no occasion for it. (Here were many interruptions from all sides of the House.) I would ask my friends not to interrupt me. (Cries of "Sit down, sit down.")

Sir, I see no reason—(Laughter).

Mr. PRESIDENT: Mr. Bose, if you really want to avoid unpleasantness, you must not directly address the members of this House. I cannot allow a debate to degenerate into an angry conversation. If you do that, you would be committing a very serious mistake.

Mr. S. M. BOSE: I am sorry, Sir.

Babu AMULYADHAN RAY: On a point of order, Sir. Can a member of this Council take upon himself the duties and responsibilities of the Chair, as Mr. Bose has done?

Mr. PRESIDENT: Order, order, you need not be anxious about that.

Mr. S. M. BOSE: Sir, I see no reason for this heat. If any member of this Council knows personally of such cases of abuse, I think it is his duty to bring them to the notice of the Hon'ble Minister in charge, so that the charges might be investigated and inquired into. It is no use making vague and general charges against people who are not present here to defend themselves. It is but right and proper—if any member of this Council knows of any such specific case, as my friend Rai Bahadur Jogesh Chandra Sen has said—I repeat it is the duty of the members of this Council not only as members of the public but as members of this Legislative Council, who have access to the Hon'ble Minister in charge—to come forward and tell the Hon'ble Minister what they know, so that the evil might be remedied. I would repeat that if my friends, who have brought serious charges against the Medical College authorities, want the alleged evil to be remedied, they should follow the course I have outlined, and ask the Hon'ble Minister to look into their allegations.

With these words, Sir, I oppose the motion.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I have very little to say upon this matter, because I do not claim any personal knowledge in regard to the allegations that have been made; but I certainly think that the time of this House could be more profitably utilized than by some members of this House trying to sermonise other members as to the proper way of behaving or performing their duties in this Council. Each man must proceed according to his own light. If he transgresses any rule, I take it that the Chair is there to correct him, and it is not up to anybody else to do so—whether it be Mr. S. M. Bose or the Hon'ble Minister himself. I do not see what was the occasion for that heat and that temper, about which Mr. Bose spoke, in connection with Maulvi Abul Quasem. But my complaint is against the Hon'ble Minister himself. It may be that general allegations have been made with regard to certain members of the medical service under the Hon'ble Minister. General allegations like that are often made against the police and other services. But why is it that the Hon'ble Minister in charge of the Medical Department, of all other people, flares up and

retorts by abuses as general and as vague against the members of this Council? This is an attitude, Sir, against which we cannot but strongly protest.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I rise on a point of personal explanation? I did not make any general or vague allegations against any of the hon'ble members of this House. What I did say was that some of the members of this House did make vague allegations against the staff of the Medical College; and as Minister in charge of the Medical Department it was up to me to defend them and explain the system and difficulties of admitting patients. I would repeat every word of what I said. These officers certainly do not deserve the remarks that have been made by some of the members.

Reverend B. A. NAG: Mr. President, Sir, I would be failing in my duty if as a visitor of the Medical College Hospitals, I did not say a word in favour of the much-maligned people over there. I can assure you, Sir, that we have heard such serious charges before, and as visitors of the Hospitals we have tried to find out the truth about these allegations. The fact is there that the admission is difficult, because the beds are nearly always full. The fact is also there that you cannot secure a bed through a telephonic message, because the point taken up by them is that between the time of telephone and the time of the arrival of the patient there may be many urgent cases coming in and in that cicrumstance the authorities are not able to reserve any seat for anyone, however rich or poor he may be. The first to come is first served. What I want to tell this House is that many of us—I do not know how many of us, but Rai Bahadur Dr. Dutt is also a visitor and is a medical man himself and he has therefore longer experience of the Medical College Hospitals, I can think of 3 others who are also visitors of the Medical College Hospitals—have gone there on many occasions and paid surprise visits, and I will confess the most faithful and loyal services rendered by these doctors in the Medical College Hospitals (A VOICE: Question.) I am sorry, therefore, Sir, to hear of any complaints made against them as to bribery or corruption. If the members who have made such charges against the doctors cannot always approach the Minister, or if any member lives for away,—some of us are living near about the Medical College—and if the members will kindly communicate with us, we shall try and see if we can remedy the defect by going to the place and finding out the facts will report them to the Hon'ble Minister. Other people have complained to us in that way and I have now and again reported those cases to the Principal of the College and have always found such complaints to be absolutely without foundation whatsoever.

Mr. L. T. MAGUIRE: Sir, there are several members of my community who are forced by circumstances to use the Medical College Hospitals. I must say that I have never heard of any complaint of the nature of the allegations made in this House. I have certainly often heard that people cannot get admission owing to the limited accommodation available there; but I have not yet heard of any single instance of anybody having to pay fees or illegal gratification.

Rai Sahib PANCHANAN BARMA: Mr. President, Sir, about 2 years ago, I had an occasion to go to the Medical College to have a female relative of mine admitted. My relatives, finding some difficulty in having her admitted, came to me. I went and saw Principal Boyd whom I knew, and he said: "Well, you should go and see such and such a doctor" and gave an introductory letter. I saw that doctor and he, after looking into the letter and the matter, told me that when so many patients were coming in from outside and distant parts and were waiting for admission for many days and my patient having come only a few days ago, he had to admit the patients who had come first. So I think that many allegations which are often made are sometimes false. At first, I was under the impression that the doctors would not admit patients unless they got some fees. I had another friend of mine who was acquainted with the doctor and through that friend a proposal was made for the doctor to see my patient privately; but even that was refused by the doctor. So, as I have said, many of the allegations that we often hear of against these doctors are false. There may be some cases which are true. But simply for that fact we must not be so vehement in our allegations against the doctors who are not here and are not able to answer to these allegations. With these observations, I beg to oppose the motion.

Mr. C. S. DUTT: Sir, I should like to say a few words at this stage. It seems to me somewhat unintelligible that persons of the standing of Mr. Abul Quasem and Dr. Naresh Chandra Sen Gupta should lose their emotional poise over what is after all a very simple thing. After all, what did the Hon'ble Minister say? The Hon'ble Minister's position is this, that in his work of administrating the Medical Department he has a right to expect the co-operation and not merely the criticism of the members of this House. There is a Standing Committee of this House on Medical and Public Health, and its last meeting was held only a few weeks ago after the last session of the Council. At that meeting no such allegations were made, although members of that Committee represent this House in regard to offering advice and criticism regarding the work of the Department.

Mr. SHANTI SHEKHARESWAR RAY: Is it permissible for a member of the Standing Committee to invite attention to particular cases?

Mr. PRESIDENT: Order, order. Let Mr. Dutt proceed with his speech.

Mr. C. S. DUTT: Sir, I never said that. Mr. P. Banerji, Mr. Abul Quasem, and Rai Bahadur Jogesh Chandra Sen said that they knew about these cases. Well, Sir, if they know of such cases personally, I submit it was their duty as citizens of Bengal and as members of this Council too to bring such cases immediately to the notice of the Hon'ble Minister, and if they had done so the Hon'ble Minister would have immediately enquired into the cases. Therefore I may say that they have failed in their duty as citizens of Bengal and as members of this Council in not bringing them to the notice of the Hon'ble Minister——

Mr. PRESIDENT: Mr. Dutt, I do not think you need say that.

Mr. C. S. DUTT: All right, Sir. I withdraw those words but surely, Sir, it was the duty of every member of this House who had personal knowledge of such cases to bring it to the notice of the Hon'ble Minister. The Hon'ble Minister merely asked for the co-operation of the members of this House, and I submit that there was nothing in his speech to which any reasonable objection could be taken.

(At this stage the time allotted for the discussion of this demand was reached.)

Maulvi Tamizuddin Khan's motion was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Bakhsh, Maulvi Syed Majid.
Banerji, Mr. P.
Bose, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Mohammad.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Hashem Ali.
Khan, Maulvi Tamizuddin.
Quasem, Maulvi Abul.
Ray, Babu Amulyadhan.
Ray, Mr. Shanti Shekhareswar.
Roy, Babu Jitendra Nath.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Jogesh Chandra.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Ahmed, Nawabzada Khwaja Mohammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ambrong, Mr. W. L.
Arthur, Mr. S. G.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Babu Premhari.
Barma, Rai Sahib Panchanan.
Bose, Mr. S.
Benjamin, Mr. H. D.
Bhandy, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Nazar Rahman.
Chaudhuri, Dr. Jogendra Chandra.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Guruprasad.
Dutt, Mr. C. S.
Dutt, Rai Bahadur Dr. Haridhan.
Faruqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. R. N.

Gladding, Mr. S.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Guthrie, Mr. F. C.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Homan, Mr. F. T.
Khan, Maulvi Abi Abdulla.
Lamb, Mr. T.
Magaire, Mr. L. T.
Maiti, Mr. R.
Martin, Mr. C. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Mr Brajendra Lal.
Mitra, Babu Sarat Chandra.
Mukherji, Rai Sahib Moomohan.
Mukherji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mohunda Behary.
Nag, Reverend B. A.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Norton, Mr. H. R.
Raheem, Mr. A.
Rai Mahasai, Maniendra Deb.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chaudhury, Mr. K. S.
Reid, the Hon'ble Mr. R. R.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Babu Haribansa.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhori, Babu Nem Chandra.
Sadaatullah, Maulvi Muhammad.
Sen, Rai Sahib Akshoy Kumar.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Sir John.

The Ayes being 20 and the Noes 64, the motion was lost.

The Hon'ble Sir Bijoy Prasad Singh Roy's original motion was then put and agreed to.

33—Public Health.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 35,92,000 be granted for expenditure under the head "33—Public Health."

Sir, the total budget estimate under the head "Public Health" for the year 1935-36 is Rs. 36,94,000 or Rs. 66,000 more than the revised estimate of the current year and less by Rs. 4,000 than the current year's budget estimate. The increase in expenditure is mainly due to the rise under the head "Public Health Establishment" for rise in expenditure on Public Health propaganda which is becoming more and more popular and useful. The increase is also due to the additional grant of Rs. 60,000 for free distribution of quinine. Another important head on which the expenditure shows a considerable increase is "Rural Public Health Units." The current year's grant was Rs. 10,45,000, whereas the next year's amount is Rs. 10,97,500, but still the total grant under the sub-head grant for Public Health purposes shows a reduction by Rs. 82,000. This reduction is due to a provision of only Rs. 30,000 for Bhatpara Sewerage in place of Rs. 1,30,000 in the current year's budget. The provision was made last year and Rs. 1 lakh had been paid, but the payment of Rs. 30,000 had been withheld, because the municipality could not pay its share of the contribution. So a provision of Rs. 30,000 has been made in the next year's budget. With this payment a large item on the Public Health budget

which [illegible] appearing year after year during the last few years will disappear, because the total contribution of Government towards the Bhatpara Sewerage works was Rs. 7 lakhs, and that amount has been paid in instalments during the last few years. The work is nearly complete and there will be no necessity for carrying on the expenditure in the next year's budget.

Under the next sub-head "'Expenses in connection with the epidemic diseases," the grant for an intensive anti-malaria work in the rural areas is the same as in the current year's budget, viz., Rs. 80,000. The Kala-azar grant is also the same as in the current year's budget, viz., Rs. 70,000 or Rs. 20,000 more than the permanent expenditure on this head, viz., Rs. 50,000. It may be mentioned here that the grant on the anti-malaria work hitherto used to be spent on such items as jungle cutting and improvement of small waterways in the villages. It was considered that most of the money used to be wasted. So at a conference of the Chairman of District Boards this year it was decided that henceforth the money should be available for expenditure on anti-malarial or anti-parasitic measures either through the anti-malarial societies as in the past or through the district or union boards on schemes approved by the Director of Public Health.

Rupees 2 lakhs has been provided in the next year's budget for rural water-supply and Rs. 25,000 was provided in the last year's budget for the Bagerhat water-works scheme, but this amount had to be surrendered because the scheme was not ready and it would be some time before the scheme would be ready: so it was thought necessary to provide this money in the next year's budget. Owing to financial stringency Government has not been able to provide for grants for urban water-supply schemes in the next year's budget. They are however ready to offer loan to the municipalities and provision has been made for a loan of Rs. 15,000 to the Serampore Municipality. They altogether asked for a loan of Rs. 1,15,000 of which 1 lakh was paid during the current year and the balance of Rs. 15,000 will be paid next year. The Jalpaiguri Municipality has taken the full amount of the loan for its water-supply scheme. The water-supply schemes of the municipalities of Khulna and Mymensingh will cost Rs. 15,000 and Rs. 1,06,000 respectively and these amounts have been provided in the next year's budget. The Naraingunge Municipality has expressed its inability to carry out its water-supply scheme with a loan alone. The current year's provision for a loan of Rs. 35,000 has therefore been surrendered. A loan of Rs. 10,767 has been provided for Faridpur water-works in the next year's budget.

District Boards rarely come up for loans for the improvement of rural water-supply and last year only the Burdwan District Board

wanted a loan of Rs. 15,000 and that money was paid to them. So only a small amount of Rs. 25,000 has been provided in the next year's budget.

In the course of the discussion of the budget last year, Dr. Haridhan Dutt drew the attention of Government to the insufficiency of the supply of quinine as well as of the high price of quinine. This year and in the next year's budget provision has been made for an additional amount of Rs. 60,000 for the supply of quinine in addition to the normal grant of Rs. 1,20,000, for the supply of quinine, most of which will be distributed through the local bodies and the Surgeon-General to hospitals and dispensaries. And it is also proposed to distribute free quinine to some of the unions in the Eastern Bengal districts where there has been an epidemic outbreak of malaria, namely, the districts of Tippera, Bogra, Mymensingh, Bakarganj and Rangpur.

The experiment with Plasmochin in combination with quinine carried on in the Memari thana of the Burdwan district has yielded very satisfactory results, the fever incidence having been reduced by at least 50 per cent. But no definite conclusions have yet been reached and they will be placed before the Sanitary Board for their opinion. Government has been spending Rs. 47,000 a year over anti-malarial work round about Calcutta during the last 3 years. The Corporation of Calcutta and other local bodies contributed a substantial amount during the current year and the year before but the Corporation of Calcutta having refused to pay any further, Government have decided to curtail their activities but to limit them only to the discovery of the menace and leave control measures to the local bodies. But if local bodies do not take up control Government will have to think of a fresh means for taking up the control and for finding expenditure either from their own funds or from the local bodies as the case may be. That, Sir, is the general feature of the Public Health Budget for the next year. With these words I commend my motion.

MOTIONS FOR REDUCTION.

Reverend B. A. NAG: I beg to move that the demand of Rs. 1,62,960 under the head "33A—Public Health Establishment—Supplies and services" be reduced by Rs. 100 (to urge upon the Corporation of Calcutta the necessity to prevent the misuse of public squares in Calcutta).

Sir, the Corporation of Calcutta is the premier self-governing institution in India and with a little modification it is an autonomous body. Therefore I owe you, Sir, and through you, the Hon'ble Minister, an explanation of why I come to you with my grievances against the Calcutta Corporation. As a Councillor of the Corporation I have tried my very best to see these grievances removed but my cry has been a

cry in the wilderness and the more I think the more I feel that if anyone can save the ratepayers of Calcutta from the inconveniences caused by the misuse of public squares, it is the Hon'ble Minister, and that is why I come to you. At first sight it would seem that the Government is helpless in the matter, but if you will please grant me your usual indulgence to develop my argument, it will be made plain how the Government can do a good deal in this matter, even though the Calcutta Corporation is a self-governing institution. Now, Sir, to come to the subject matter of my motion.

The squares of any city are the lungs of that city and everybody knows, particularly those who have paid a visit to the west that Calcutta, though it is the Second City in the British Empire, compares very unfavourably in the matter of its open spaces. We have comparatively a very small number of squares, the largest—apart from the maidan and the Eden Gardens, for which we are deeply grateful to the military and to the Government—apart from these two the largest square is the Dalhousie Square, a square which I am told consists of 16 acres of land. Now, Sir, Government buildings surround this square at least on three sides of this square and though it is a square which belongs to the Corporation of Calcutta just as any other square, Government have very wisely thought it fit to take over the charge of that square because they want to keep it in a fit condition. This indicates one line of action that Government might take about other squares. In this particular case Government pays the whole expense, but that is not necessary in the matter of other squares. I think, Sir, it was very right if I may say so that Government took charge of the Dalhousie Square, for ill-health caused in any part of the city will endanger the health of all parts of the city. Therefore these squares, which are not only the lungs of the city but also purify the air of the localities in which they exist, if they are filled up by buildings and if the aged and the children are deprived of the general right of using them as places of recreation, then that will be a serious menace to the health of Calcutta and therefore on that ground again I come to the Hon'ble Minister to remedy this grievance. In these days of tuberculosis when people lack fresh air and little bits of squares in the northern part of the city to use for their morning and evening walk, if they are crowded out from these squares, it would be greatly endangering the health of the people.

The use of public squares in Calcutta within the Municipality of Calcutta is regulated by bye-laws framed under the provisions of the Calcutta Municipal Act as far back as 1907, and were published in the *Calcutta Gazette*. The question now is whether by the passage of the new Act those bye-laws are still in force. If they are not in force then none except the Chairman of the Corporation who is now represented by the Chief Executive Officer, apart from the Corporation as a whole,

has the right to parcel out little bits of any square to interested groups of persons. All such action, therefore, must be *ultra vires* and illegal. If they are not in force then my question is: Have new bye-laws been made? If so, according to section 482 of the Calcutta Municipal Act they require the sanction of the Government. Have these laws been sanctioned or have they been published as the Corporation are bound to publish them in the *Calcutta Gazette*? If not, we are left in this position that the Corporation of Calcutta alone can deal with public squares which are their own property, though they are still bound to pass some bye-laws to show to the general public the use to be made of such squares, the period for which they might be made over to particular bodies, and the way in which they are to be used, and so forth. But inasmuch as no bye-laws have been passed and published, I take it that it is absolutely illegal for the Corporation to allow private groups of people to build buildings on the parks and to make enclosures to the great inconvenience of the general public. But, Sir, what have they done? I have here a list of squares with me and you will probably be surprised to hear what has been done in some of them. Now, Sir, I will begin with the largest square, namely, the Northern Park, known as the Deshbhandhu Park, recently transferred to the Corporation of Calcutta by the Calcutta Improvement Trust. Out of this square a plot of land of 5 bighas, 19 cottahs, 8 chittacks, that is, nearly 6 bighas of land, has been given to one particular body to the exclusion of the general public. And again to another Association 7 cottahs and 12 chittaks; I do not know how you feel but after the passage of the—

Mr. PRESIDENT: Mr. Nag, before I allow you to read the whole of that list, I must first know if the Hon'ble Minister considers it appropriate to take cognisance of such details in respect of the domestic affairs of an autonomous institution.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the general policy of Government in such matters, as is well known, is non-interference with the Corporation. It is a domestic matter of the Corporation. I have, however, no intention of shutting out the hon'ble member from saying what he wants to say.

Mr. PRESIDENT: Mr. Nag may then proceed on res

Reverend B. A. NAG: The new Act aims against those found guilty of political offences. Now, I am sure you will be surprised to hear that 1½ bighas of land from this park has been given out to the North Calcutta Congress Committee. Then, Sir, to come from there to College Square, it is found, as is well known to Government, that the College Square is a most crowded square, because it is used by the

students living in the vicinity. It is so crowded that some time ago when Sir James Donald was the Chairman of the Corporation it was proposed that that square should be extended, the Hindu School site should be brought into the square and Government was then thinking of removing that school elsewhere. But instead of that extension what do we find? We find that 2, 3, 4 buildings——

Mr. PRESIDENT: What is really that list you are reading from?

Reverend B. A. NAG: This is a list which I got from the Secretary to the Corporation. All that the list contains was mentioned in reply to a question. I submit that all these points were brought up before the Corporation.

Mr. PRESIDENT: I take it that you did not consider those answers as full and satisfactory.

Reverend B. A. NAG: On the answers given I have put in these motions to the Corporation.

Mr. PRESIDENT: We have always held that in dealing with grievances relating to an autonomous body they should be ventilated there first. In the first instance, it is your duty as a Councillor to seek redress of these grievances at a meeting of the Corporation. I find that you have tabled a motion with that end in view. You can come to this Council if you fail there.

Reverend B. A. NAG: Well, Sir, I sent some questions on the 18th February but they have not been answered, and then I sent in some motions but they too have not been discussed.

Maulvi SYED MAJID BAKSH: If he has sent in motions which have not yet been discussed, how can he ventilate those things here on the floor of this House?

Mr. PRESIDENT: Well, I have already pointed out that and such has always been our practice.

Maulvi SYED MAJID BAKSH: He got the list in answer to a question put by him and then he has tabled these motions which are still to be discussed.

Mr. PRESIDENT: All that Mr. Nag can constitutionally do is to come here only after he has exhausted all means of obtaining redress there.

Reverend B. A. NAG: Well, Sir, I wanted to ask questions here but was told that I could not do so. Therefore, it was left to me to ventilate the general grievances here.

Rai Bahadur KESHAB CHANDRA BANERJI: Well, Sir, the Hon'ble Minister has made it perfectly clear that Government do not wish to interfere in a matter which concerns an autonomous body. We are not aware whether the object of the mover is to get the Calcutta Municipal Act amended.

Mr. PRESIDENT: Do you suggest that the Calcutta Municipal Act should be amended to enable the Hon'ble Minister to right those wrongs, or that he already possesses ample powers to interfere in such domestic concerns of the Corporation? The issue is not clear.

Reverend B. A. NAG: Sir, my point is that the Hon'ble Minister has sufficient power to deal with it.

Mr. PRESIDENT: How?

Reverend B. A. NAG: Sir, the bye-laws and rules have been sanctioned by Government and they have retained the power to interefere in cases of neglect. They have taken additional powers under the present Act to annul any proceedings of the Corporation which they do not consider to be in conformity with law. Now, if these lands have been distributed by a body which has no authority either under the Act, or by the delegation of powers, or by any by-law, to do so, then, certainly, that body has acted illegally. Therefore I take it, subject to your permission, that I can appeal to the Hon'ble Minister to interfere in the matter.

Mr. PRESIDENT: I really find it very difficult to follow Mr. Nag. May I have the opinion of the Hon'ble Minister on these points?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, my opinion is that the Corporation has ample powers to dispose of these public parks in any way they like, if they have framed bye-laws under the Act, and these bye-laws have been sanctioned by Government. But so far as I understand, the Calcutta Corporation has not framed any bye-laws under the new Act. Anyway, that does not affect the position of Reverend Mr. Nag, because the bye-laws framed under the old Act are still in existence. So, any action on the part of the Calcutta Corporation in this respect is perfectly legal. I do not say that it is quite fair, but it is legal, and so Government are not in a position to interfere in this matter.

Reverend B. A. NAG: I do not understand how it can be legal.

Mr. PRESIDENT: But I have no doubt in my mind that the Hon'ble Minister is right. I shall give you one more chance to make out a case which may be heard in this House without any objection

Reverend B. A. NAG: Then, Sir, take the case of the Wellington Square, where they have not built any buildings but one group of people have appropriated to themselves two bighas of land for their exclusive use. Another set of people have got one bigha and four cottas, and another set of people one bigha and four cottas; and to come to yet another square called the Woodburn Park in which our Muslim friends would be very much interested—we find that the Woodburn Park covers the site of the old Kasiabagan burial ground, which was given as a *wakf* to the Muhammadan community by Nawab Saadat Ali Khan Bahadur, the last independent ruler of Oudh. The burial ground was about 37 bighas in area, and different portions were used for the burial of Muhammadans and low-caste Hindus. It was closed in July 1858 on sanitary grounds, and the Commissioners provided another cemetery at Tiljala, at a cost of Rs. 4,272.

In 1880, the Muhammadan Burial Board moved the Chairman of the Corporation for preserving the old burial ground from encroachment and defilement and for its decent maintenance, but nothing was done until 1896, when it was proposed to acquire the land and reserve it as an open space. Government claimed that the property had vested in itself, and sued one Fazlar Rahman, who was in possession of a portion of the site. The suit, however, was compromised, Fazlar Rahman being left in possession of 12½ bighas——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, what is the relevancy I fail to follow.

Mr. PRESIDENT: None whatsoever. What I feel is that I have been very lenient to Mr. Nag; unfortunately it is also a part of our policy or practice to be lenient during budget discussions.

Mr. P. N. GUHA: Sir, I think these are domestic matters of the Corporation, and I think that they were discussed there on various occasions.

Mr. PRESIDENT: Order, order. I would now give a definite ruling. The position is this. If the Reverend Mr. Nag will try to develop his arguments on the basis of certain bye-laws of the Corporation and ask the Hon'ble Minister to put an end to any illegality, or to amend the Act in order to meet a particular situation which is serious

but is not covered by the existing Act, he will be in order, or if he can show that the Corporation are misusing their powers, and that he has failed to obtain redress in the Corporation itself, and he urges the Hon'ble Minister to interfere under the general powers vested in the Local Government under the Calcutta Municipal Act, then he will also be in order, but if he is going to trouble this House with matters of detail relating to the internal administration of the Corporation, of which we have no knowledge and for the discussion of which the Corporation is the best place, I will certainly rule him out.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Mr. Nag's argument seems to be this: that the Corporation of Calcutta are distributing portions of public parks illegally. It is true that under the Act the Corporation can frame bye-laws under the new Act as well as under the old Act. But the bye-laws framed under the old Act only authorised the Chairman of the Corporation who is now replaced by the Chief Executive Officer to allow the use of any portion of these parks or to close any park. Mr. Nag's point—I speak of course subject to correction—seems to be this, that the District Committees, which are disposing of land out of these parks have no authority whatsoever either under the old bye-laws or under the new Act. So the resolution adopted by the District Committees are illegal, and he wants Government to intervene under section 19 of the Calcutta Municipal Act. I believe that is his request so far as I could gather from his remarks. Sir, it is a very debatable point whether section 19 does apply to the proceedings of the District Committees or not. It is only to-day that this matter has been brought to the notice of Government; their attention was never drawn to it before. Now that attention has been drawn, we shall examine whether the lands have been disposed of illegally or not. But generally the policy of Government is one of non-interference in domestic matters of the Corporation. They have been given autonomy and they are perfectly entitled to dispose of their property as they please. Government, as a rule, would be reluctant to interfere unless the Corporation did something illegal. If, however, Government are satisfied that something has been done illegally, they may interfere. That, Sir, is the policy of Government. I would advise the mover, Mr. Nag, to agitate this question in the Corporation. That is the proper place where he should do so. He is a councillor of the Corporation and there may be others who also feel in the same way as he does. It is no use asking Government to interfere in a matter which is purely a domestic affair of the Corporation.

Reverend B. A. NAG: Sir, may I take it that the Hon'ble Minister has expressed a desire to intervene in this matter? In that view of the question, I may withdraw my motion. Am I wrong in my view?

The PRESIDENT: I do not know. In any case, you must adhere to the practice of this House and withdraw your motion unconditionally.

The motion was then, by leave of the House, withdrawn.

(The Council was then adjourned for 15 minutes.)

(Mr. Narendra Kumar Basu occupied the Chair in the absence of the Hon'ble President and the Deputy President.)

(After Adjournment.)

Rai Bahadur KESHAB CHANDRA BANERJI: Mr. Chairman, Sir, I beg to move that the demand of Rs. 6,29,000 under the head "33A—Public Health Establishment" be reduced by Rs. 100 (position of officers employed in school hygiene work).

Sir, the object of this motion is to draw the attention of the Hon'ble Minister to the absence of any satisfactory arrangement for the medical inspection of school children and school hygiene work in general. I take this opportunity to show how the work is at present being carried on, the number of students examined from year to year as well as the total number of doctors engaged in this work. It is well known, Sir, that the health of the school students in Bengal has considerably deteriorated. According to the report of the Director of Public Health for the year 1931, the total number of students medically inspected by Government School Medical Officers in Calcutta was 5,727. These medical officers—three in number—visited 29 Government and Government aided schools. Out of these, 1,993, or 34·8 per cent. were defective students. For the whole of Bengal the total number of actually defective students is not available, but among 21,085 students 5,715, or about 27 per cent., had so much defect as to require notification to their parents or guardians.

Sir, with the introduction of public health units in the rural areas, the duty of inspecting school children was entrusted to Sanitary Inspectors in charge of these circles under the supervision of the District Health Officers.

Sir, it has been admitted by Government in their Public Health Report for 1930, that in that year a beginning was made in school hygiene work in primary schools within the jurisdiction of the newly-started rural health circles. The work was carried on by the sanitary inspectors under the control of District Health Officers. These sanitary inspectors, as everybody knows, are not qualified medical men so as to be able properly and fully to discharge this duty. It stands to reason, therefore, that these inefficient—or rather ill-qualified—sanitary inspectors should be replaced by men who have medical training and would be in a position successfully to detect physical defects.

Sir, the point which I desire to stress in this connection is that during the year 1930-31, 26 medical officers examined 16,700 boys and

524 girls in 19[illegible] schools. Of course, the number has since gone up, and I shall show from facts and figures what the present position is. During the year 1932-33, 189 schools were visited by 40 medical officers medically examining 20,322 boys and 1,204 girls against 21,085 boys and 817 girls examined in the previous year by 41 medical officers in 202 schools. It must be remembered, Sir, that the total number of high schools in this province at present is, according to the report of the Director of Public Instruction for the year 1932, 1,186; the number of middle English schools is 1,873 and the number of middle vernacular schools 62. The total number of pupils attending these schools is something in the region of 415,000. Of these only about 21,000 have so far been examined by 40 medical officers and sanitary inspectors. Sir, as I have already said, high school children have been inspected either by Government medical officers or by medical officers attached to particular institutions in addition to their daily routine duties.

In this connection, I might inform the House, that about two or three years ago there was a scheme drawn up by Government for employing honorary medical officers for school hygiene work, and, so far as I remember, it was decided that a small honorarium should be paid to these persons. I do not know the reason why the item "Honoraria" has been eliminated from the budget. The work which is being done by these honorary medical officers is of an arduous nature. Having regard to the fact that a large number of students are increasingly falling victims to all sorts of preventible diseases, it is regrettable that no provision has been made for the payment of some remuneration to these qualified medical men. Last year's budget, also, did not contain any such provision.

Sir, let me assure the Hon'ble Minister that my object is not to effect a cut in the demand under this head but to draw the pointed attention of the Hon'ble Minister to this important aspect of the question. If the Hon'ble Minister would only give me an assurance that he would personally look into the matter, I should be glad to withdraw my motion.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, in view of the fact that school hygiene is more or less dealt with by the Education Department, I beg to reply to the points raised by Rai Bahadur Keshab Chandra Banerji. The whole position is this, that Government have administratively sanctioned certain schemes for hygiene work in schools in the mufassal. In Calcutta the work of school hygiene is being done by the existing Government-paid staff. As regards the work in both primary and secondary schools in the mufassal, it is not possible for Government to undertake it immediately.

My friend has raised another question, and that is that with the introduction of the sanitary circles in the rural areas it is the legitimate duty of the Sanitary Inspectors to do this work, but my friend has complained that this is not done. It is quite correct that the school hygiene work is not properly done everywhere in the mufassal. We believe that it is possible to wake up the work a little more than what is done at present, and this matter is just now engaging our attention and we propose very soon to co-operate with the Public Health Department with a view to utilise the services of the Sanitary Inspectors and Health Officers to take up this work. It would be quite convenient for the Sanitary Inspectors to take up the ordinary hygiene work in schools.

Rai Bahadur KESHAB CHANDRA BANERJI: They are not sufficiently qualified.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The question of qualification is much more than what I can say. I for myself can say this that I had been in charge of the Public Health work as Vice-Chairman of the District Board of Nadia and it was not my experience that they were not qualified. On the other hand, I must say that the work which is done is very very satisfactorily done, because the work there is done by the Sanitary Inspectors under the supervision of the Health Officer. So far as the ordinary hygiene work in the primary schools is concerned, I do not think it requires a very highly paid staff. If it is started with highly paid officers for the purpose of hygiene work in schools, the scheme is sure to be a failure. In any case as it has been heretofore the scheme of the Education Department to get at the remedy aimed at, and with a view to get better co-ordinated work with regard to school hygiene through the Sanitary Inspectors and Health Officers, I hope to work up that scheme, and I feel sure that Government would try to provide more money, if finances permit in the budget next year, with a view to get better hygiene work in the mufassal areas. After this assurance, I hope my friend will withdraw his motion.

Rai Bahadur Keshab Chandra Banerji's motion was then, by leave of the House, withdrawn.

Mr. K. C. RAY CHOWDHURY: I beg to move that the demand of Rs. 6,29,000 under the head "33A—Public Health Establishment" be reduced by Rs. 100.

Sir, it refers to the negligence of the officers of the Public Health Department in respect of the town improvement of Bhatpara which involves an expenditure of Rs. 21 lakhs.

Reverend B. A. NAG: Sir, I rise on a point of order. Is the hon'ble member in order in discussing the question of the unsatisfactory work of the Bhatpara Town Improvement scheme under "Public Health"?

Mr. CHAIRMAN: I rule that he is in order.

Mr. K. C. RAY CHOWDHURY: Sir, it refers to the negligence of the officers of the Public Health Department and not to the negligence on the part of the municipality. This amount of Rs. 21 lakhs was meant to be spent after the sewerage scheme, water-works and other improvements, *e.g.*, of roads, etc. The sewerage scheme as worked out and estimated by the Public Health Department is a failure, as it cannot deal with the whole sewage of the municipality and yet the municipality is to pay Rs. 22,000 per year for the running of the sewerage. The cost of the scheme has gone up by about 50 per cent. of the original estimate, but still half of the southern section of the municipality has no sewerage line. The sewerage plant is an experiment ground of Mr. Griffin, the Engineer of the Public Health Department, who has spent thousands of rupees on his gas plant to discover at the cost of the municipality how water-hyacinth can be transformed into a manure——

(At this stage the time-limit for the discussion of the demand having been reached, the member resumed his seat.)

The motion was then put and lost.

The Hon'ble Sir Bijoy Prasad Singh Roy's original motion was then put and agreed to.

34—Agriculture.

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 21,70,000 be granted for expenditure under the head "34—Agriculture."

As explained in the Financial Statement, the decrease in the provision for next year's budget is apparent only, being due to the transfer of Sericulture from the control of the Director of Agriculture to that of the Director of Industries. Actually, I am happy to say, in spite of continued financial difficulties, we have seen our way to propose some increase in the expenditure of this Department, which so vitally concerns the interests of the great majority of the population of the province. The transfer of Sericulture is being made on the recommendation of the Sixth Industries Conference held in July, 1934, and I shall deal with the subject when I come to present the demand for Industries.

Perhaps the most striking feature of the year's work has been the widespread and vigorous campaign for restriction of the area under jute. We have already, with the Hon'ble President's permission, arranged a small demonstration, in the precincts of this House, of the methods employed in this campaign and the propaganda has been so widespeard that I do not think members, at least those who represent the jute-growing parts of the province, will desire me to devote any appreciable part of the limited time at our disposal to give details with which they are already familiar. I will content myself with saying that the growers have taken the matter up with striking enthusiasm, and that our efforts bid fair to achieve a result that must contribute towards improving the economic position of a very large section of our cultivators. I cannot, however, leave the matter without paying tribute to the eagerness and keenness of many non-officials whose whole-hearted co-operation is contributing largely towards the success which we hope to achieve. It would be interesting to the Hon'ble Members of the Council to know that altogether 1,084 officials and 40,384 non-officials have been actively participating in the Restriction Scheme in the 22 districts of Bengal.

The number of workers, district by district, is :—

District.	No. of officials.	No. of non-officials.
Bakarganj	27	240
Bogra	21	5,136
Burdwan	3	101
Dacca	100	2,500
Darjeeling	2	..
Dinajpur	13	283
Faridpur	98	5,431
Hooghly	15	70
Howrah	27	83
Jalpaiguri	9	585
Jessore	142	1,500
Khulna	61	80
Malda	20	1,300
Murshidabad	9	140
Mymensingh	92	12,500
Nadia	53	1,382
Noakhali	30	1,000
Pabna	22	262
Rajshahi	60	1,613
Rangpur	170	4,298
Tippera	65	1,230
24-Parganas	45	650
Total ..	1,084	40,384

In urging the cultivators to grow less jute we have not overlooked the importance of substituted crops for the lands now set free. The most obvious of these is of course sugarcane, and this time last year I took the opportunity of giving the House a review of the position both as regards the growing of the cane and its conversion into sugar. The position has further developed. The area under sugarcane has reached 2,76,000 acres, over half of which is estimated to be under Coimbatore 213. Three mills consuming 500 tons of cane a day, laid down last year, are now fully working. Two 100-ton mills and two 50-ton mills are under construction. There have been many enquiries as regards areas suitable for the installation of large mills, and there is every prospect that more mills will be erected before the next crushing season begins. Six open-pan factories equipped wholly or partially with plant designed by the Agricultural Engineer were put up during the year and are now at work. Again, there has been a rapid increase in the area planted with ground-nuts, and highly satisfactory yields have been reported. Though this is in many districts a new crop, there has been no difficulty in marketing the produce, as local demand is still in excess of the supply.

To facilitate a rapid substitution of crops, we have this year made large distributions of cuttings and seed free of charge. Some ten lakhs of sugarcane cuttings have been supplied from Government farms, and the sums of Rs. 2,500 and Rs. 2,000 generously subscribed by the East Indian Jute Association and the Calcutta Hessian Exchange are being utilised for this purpose. The District Board of Rangpur has contributed Rs. 10,000 to meet the cost of cuttings and seed supplied through the Department. Similarly, Government have sanctioned the free distribution of ground-nut seeds in the jute-growing tracts of North Bengal.

One of the Department's main normal activities is the production and popularisation of improved seed. The cultivator has long since realised the value of departmental seed, and the demand is great. Progress has continued. During the current year, the number of paddy seed farms which multiply departmental seed for distribution to neighbouring cultivators, increased from 228 to 295, while there are now 90 centres in charge of union boards. The interest which the union boards are beginning to take in the work augurs well for the future.

At the same time, the Botanical section has obtained two outstanding results, having evolved and proved to demonstration two valuable new varieties, an exceptionally heavy yielding *aus* paddy, known as *Dhairal*, and an exceptionally heavy yielding *aman* paddy, *bhasamanik*. The latter is particularly useful as, owing to its adaptability, it maintains high yields under all conditions.

A complicated investigation into the diseases of *pan*, undertaken in collaboration with the Imperial Mycologist at Pusa, has been brought to a successful conclusion, and the Department can now give definite recommendations to growers regarding the treatment of *pan* diseases. These diseases have become so rampant throughout the province that large areas under *pan* had actually gone out of cultivation and the loss to growers was very heavy.

I mentioned last year several important schemes of agricultural and veterinary research which, in spite of our financial position, we have been able to pursue with the help of the grants from the Imperial Council of Agricultural Research. Seven of these schemes are now in progress, namely, (1) the Dacca Sugarcane Seedling Testing Station, (2) the investigation into the problems of animal nutrition, (3) the investigation into problems of soil physics, (4) the scheme for the improvement of trade rices in Western Bengal, (5) the economic enquiry into the cost of cultivating sugarcane and other rotation crops, (6) the establishment of a horticultural section, and (7) the appointment of a veterinary investigation officer. Two of these in particular deserve mention. The horticultural station in Krishnagar has undertaken a survey of the fruit of the province, and selected varieties are being planted out. In the meantime special attention is being paid to annuals which bring in a good return while perennial fruits are still maturing. The work of the station will, I think, supply a need which we have long felt.

The appointment of the Veterinary Investigation Officer has produced results of very remarkable value. Great progress has been made in the application of the goat tissue vaccine for the control of rinderpest. Over 1,000 cattle have now been successfully protected by this method, and Government will shortly have under their consideration proposals for placing the production and application of this vaccine on a permanent basis. Not only does this method give a lasting protection to the animals treated, which previous systems could not do, but it is actually cheaper and will go a long way towards stabilising expenditure on the control of rinderpest. This officer has also been of great assistance in the investigation of other animal diseases of less importance, but responsible for considerable loss among cattle.

In the meantime, a new marketing scheme of great importance is being introduced, and will be financed partly by the Imperial Council and partly from Provincial revenues. This scheme is an outcome of the recommendations of the Provincial Economic Conference of April, 1934, on the subject of marketing. The Government of India have decided to proceed on the lines recommended at the conference and have appointed a Central Marketing Officer and staff who will work in

conjunction with the special staff to be entertained in each province. The Bengal staff will consist of a Senior Marketing Officer, paid from Provincial revenues, and of four Assistant Marketing Officers and the necessary staff, whose expenses will be borne by the Imperial Council. The officers will deal with all problems relating to the marketing of agricultural produce, including both crops and livestock. These fall into three main divisions, namely, investigation, development and work on grade standards. The investigation side of the scheme involves a series of marketing surveys for all the principal agricultural commodities, including dairy produce. Development work will aim at securing a more extensive use of agreed commodity standards, elimination of waste and better organisation of producers for marketing purposes. Work on grade standards will be of a technical character and will deal with the chemical and physical characteristics of such products as oilseeds, grain and fruit and the testing of grading technique and equipment under practical conditions.

The scheme is expected to be working fully early in the new financial year, and an officer of the rank of Deputy Director of Agriculture has already been deputed to work as Senior Marketing Officer for the province.

We are indebted to the Indian Central Cotton Committee for financial assistance in examining the possibilities of increasing the production of cotton in Bengal. An investigation of cotton consumption in the province has been carried out with a grant of Rs. 2,500 from the Committee. The Committee have also provided funds for research into the prospects of improving the hill cottons, and work has begun. A scheme for extending the cultivation of long staple cottons, in which the local cotton mills are taking active interest, has been prepared and will shortly be submitted to the Committee. I may mention that Mr. B. N. Birla of Messrs. Birla Brothers has generously offered a sum of Rs. 5,000 for the purpose of demonstration.

Work on the improvement of cattle, which is an integral part of the Department's activities, continues, though not yet on the scale which we should like to see. Experience of this work shows that, when funds are short, it is preferable to concentrate expenditure on particular areas where the work can be supervised by special officers. Small sums spread over large areas with inadequate supervision are dissipated and produce no appreciable effect. The work has, therefore, so far been concentrated in four districts, namely, Rajshahi-Malda and Hooghly-Nadia. Within these areas, the results have been excellent and have earned the genuine appreciation of the cultivators. The number of stud bulls under supervision has now reached 318. Since April last, 6,32,000 cuttings of Napier grass have been issued, and the cultivation of this grass is rapidly extending through natural

spread. The work that is being done can be appreciated from the fact that cows and bullocks are now being exported from the Malda district, which not so long ago imported its cattle from Bihar. The success obtained in these two areas has led to requests from several other districts for the services of special Livestock Officers. The District Boards of Hooghly and Midnapore have promised financial help, while several other district boards have expressed their intention to allot funds for the improvement of cattle, provided that Livestock Officers are appointed to supervise the work. Members will observe that we have made a provision of Rs. 8,427 for extending the work during the current year.

Experimental work on poultry is now nearing completion, and the demonstration stage has been reached. Nine poultry centres have already been opened. In these centres, the villages agree to get rid of their own male stock and to use only males from Dacca. The main aim of the Dacca scheme is to produce a fixed cross between the Chittagong and the Rhode Island Red laying not less than 150 eggs a year. This aim is on the point of attainment, as the best 5th generation cross laid 190 eggs during the year.

Of the other forms of new expenditure proposed the majority are self-explanatory. It may, however, be advisable to say a few words in explanation of the provision of Rs. 3,500 as a grant to Professor P. C. Mahalanabis for statistical work. The position is that the importance of statistical interpretation of scientific experiments is becoming more and more realised, and no experimental result is now accepted as conclusive unless it has been statistically examined and has passed the prescribed statistical tests. In the absence of departmental officers trained in this highly specialised work, we have secured the assistance of Professor Mahalanabis and his fellow-workers in interpreting the experiments made by the research sections of the Agriculture Department. The work has steadily increased, and it will not be possible for the Professor to carry through the heavy programme ahead of us without financial assistance. The grant covers the pay of one assistant on Rs. 125 and the purchase of a calculating machine and other necessary equipment.

I now turn to the Co-operative Department. The work of a department such as this is of course peculiarly sensitive to general financial conditions. Consequently, the only possible policy in a time such as we have been passing through is one of extreme caution. Nevertheless, during the last few months we have thought ourselves justified in relaxing the embargo on the formation of new societies, and a very cautious expansion will again be possible.

In spite of hard times there are certain progressive features about the year's work to which I would call members' attention. In the first place, the Department has been working for a reduction of rates of interest in both the Central Banks and the primary societies. Their efforts have received a good response, and if the movement to reduce rates spreads throughout the province, as seems likely, it would do much to reduce the growing liabilities of the agriculturists.

There is next the creation for the first time of land mortgage banks. As the House has already endorsed this policy, and my time is getting short, I will confine myself to mentioning that all five banks, one for each division, have now been started though most are still occupied with preliminaries to regular work. Government have been urged to increase the number of these banks without delay. I sympathise with this impatience in a matter of so much moment to the people at large, but I believe that most members will agree with me that our caution is in the best interest of the country. Hurry and financial rashness may destroy the scheme before it is well-established.

Finally, since the greater part of the grant will be utilised through the co-operative unions, I will refer briefly to the scheme for the development of the handloom industry. Our proposals have secured the approval of the Government of India, who are placing at our disposal grants of Rs. 35,500 for 1934-35 and Rs. 80,000 for 1935-36 to enable them to be put into effect. The tradition is still living among our weavers, and it will be a matter of profound satisfaction if with the help of the present grant we can do something to enable them to adapt their production to the modern markets and to regain the prosperity which was theirs before they were faced with the competition of the machines.

With these words, I beg to commend my motion to the acceptance of the House.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 28th March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 28th March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 91 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Inspection of records by pleaders.

***96. Rai Sahib SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the pleaders engaged in cases are entitled to inspect the records of the pending cases in the presence of Court Officers?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether any portion of the record can be excluded from such inspection?

(*c*) Is the Hon'ble Member aware that an order has been issued by the District Judge of Faridpur to the effect "in no case should inspection of deposition portions be allowed"?

(*d*) If the answer to (*c*) is in the affirmative, are the Government considering the desirability of taking early steps for removing the inconvenience caused by the said order?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes.

(*b*) The conditions under which records may be inspected by pleaders are laid down in the High Court's General letter No. 3, dated the 24th January, 1920.

(*c*) The orders have been revised and fresh orders issued.

(*d*) Does not arise.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state what considerations weighed with the District Judge in passing such an order in contravention of the order contained in the High Court's letter?

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, a District Judge took a wrong view of the High Court circular and misinterpreted it, and when representations were made by the Bar Association concerned, that Judge had left the district and another had come in his place. This latter Judge considered the whole matter and the order of the previous District Judge has since been revised.

Maulvi SYED MAJID BAKSH: With reference to answer (*c*), am I to understand that fresh orders include also the order to allow the pleaders to inspect the records so far as depositions are concerned?

The Hon'ble Sir BROJENDRA LAL MITTER: Yes, Sir; subject to certain conditions and limitations.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware of those limitations and conditions?

The Hon'ble Sir BROJENDRA LAL MITTER: I am.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to let us know what those limitations are?

The Hon'ble Sir BROJENDRA LAL MITTER: The limitations imposed are of this nature: If the case is actually going on, and the record is with the Judge, the pleader will not be allowed to inspect the papers; but if the case is a pending one, the pleader may take notes of the evidence but not *verbatim* copies of the evidence.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether it is not a fact that when a case is being argued in a court, it is then and then only that the pleader will require an inspection of the evidence?

The Hon'ble Sir BROJENDRA LAL MITTER: These are matters which must depend on the circumstances of each case. It may be that when a case is being argued, and the argument turns upon the construction of a document and when it is not necessary to refer to the evidence, a Judge may allow the pleader to look into it. Sir, we must give some discretion to the Judge to regulate the procedure.

Sand bank at the mouth of the Mathabhanga.

***97. Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that the sand bank at Kalidas Khali at the mouth of the Mathabhanga has been washed away;

(*ii*) that as a result more water will undoubtedly enter the Mathabhanga during the next flood season; and

(*iii*) that there is every possibility that the flood in the Mathabhanga will increase very heavily?

(*b*) If the answer to (*a*) is in the affirmative, what steps has the Hon'ble Member decided to take to cope with this coming danger?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes.

(*ii*) The conditions at the mouth of the river are more favourable for the entry of water into the Mathabhanga river.

(*iii*) No. The capacity of the Mathabhanga has not been increased, nor has the gradient of the river been steepened. Hence there is no risk of any large increase in its discharge.

(*b*) Does not arise.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that Mr. T. A. Curry, Chief Engineer of the Irrigation Department, has expressed an opinion that 10,000 cusecs of water will enter as a result of the embankment?

The Hon'ble Khwaja Sir NAZIMUDDIN: He said, at least ten thousand cusecs.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that the Chief Engineer said: "Ten thousand cusecs of water will enter the Matabhanga"?

The Hon'ble Khwaja Sir NAZIMUDDIN: What he said was up to ten thousand cusecs.

Maulvi SYED MAJID BAKSH: From the answer to (*a*) (*iii*), am I to take it that that is, therefore, the opinion of the Hon'ble Member himself, and not that of the Chief Engineer?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is the opinion of Government.

Consumption of quinine.

*98. **Mr. S. M. BOSE:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) what steps the Government are taking to increase the consumption of quinine both as preventive and as curative means in Bengal;

(*b*) what the medical advisers of Government consider the minimum quantity of quinine necessary on the average for the cure of a patient suffering from malaria;

(*c*) what is the total quantity of quinine distributed free annually by the Government, and how;

(*d*) what steps the Government are prepared to take to cheapen the price of quinine;

(*e*) what is the total quantity of quinine purchased by the local bodies in Bengal annually for free distribution;

(*f*) what is the price per pound paid by the local bodies;

(*g*) what is the cost of production per pound by Government;

(*h*) what is the total quantity of imported quinine sold in Bengal during each of the last three years;

(*i*) what is the total annual quantity of quinine manufactured in each of the last three years by Government in the quinine factory;

(*j*) what is the quantity annually sold or distributed free during each of the last three years by Government;

(*k*) what is the total stock of quinine now held by the Government of Bengal; and

(*l*) whether the Government are prepared to reduce the price of quinine?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) An annual grant of Rs. 1,20,000 is made to district boards and through Civil Surgeons to hospitals and dispensaries for the free distribution of quinine. Since 1933-34 an additional amount has been sanctioned for the free distribution of a larger quantity in five intensely malarious thanas. The sale of quinine through post offices and presidents of union boards also make it readily accessible to the public and every opportunity is taken to make its efficacy known.

(*b*) Eighty grains taken in five days.

(*c*) About 8,500 lbs. a year. Money is allotted to the district boards and Civil Surgeons and they obtain their supply from the Alipore Jail and pay for it from the sum at their disposal.

(*d*) The member is referred to the speech delivered by the Hon'ble Member in charge, Revenue Department, on the 11th February, 1935, in connection with certain resolutions moved in the Council for promoting the manufacture of quinine in Bengal for cheap distribution among the masses.

(*e*) In 1933-34 local bodies in Bengal purchased 1,410 lbs. quinine sulphate powder and 5,803 lbs. cinchona febrifuge.

(*f*) Rupees 18 for quinine sulphate powder and Rs. 9 for cinchona febrifuge.

(*g*) About Rs. 7-8 per pound according to the system of accounts maintained, but it would probably stand at a considerably higher figure, if the accounts were kept on a strictly commercial basis.

(*h*) Figures regarding imports of quinine will be found in Volume I of the Annual Statement of the sea-borne trade of British India. It is not known what proportion of these imports is actually sold in Bengal.

(*i*) and (*j*)—

Year.	Manufacture lbs.	Sales. lbs.
1931-32	75,729	46,357
1932-33	84,656	43,393
1933-34	97,543	57,630

The figures for sales include free distributions.

(*k*) The member is referred to Appendix C(2) of the Cinchona Report for 1933-34.

(*l*) The member is referred to the answer to clause (*d*) above.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state whether or not the amount is quite inadequate, considering the fact that it is distributed among as many as 26 district boards and civil surgeons of the districts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Evidently, it is; but the district boards are expected to spend money out of their own resources to purchase quinine and add to the quantity supplied by Government.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Vacancies in the Registration offices of the 24-Parganas district.

50. Khan Bahadur A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Department of Education (Registration) be pleased to lay on the table a statement showing for the years 1932, 1933 and 1934—

(*i*) how many vacancies occurred in the cadre of clerks and *muharrirs* in the Registration offices in the district of the 24-Parganas through—

(1) dismissals,

(2) retirements, and

(3) casualties; and

(*ii*) how are the vacancies filled up?

(*b*) Is it a fact that in filling up some of the vacant posts direct recruitments were made from outside in preference to the senior members of the establishments?

(*c*) Is it also a fact that the cases of the extra *muharrirs* were also not taken into consideration while making the appointments as outlined in the Government of Bengal, Ministry of Education's letter No. 336-Mis., dated the 14th February, 1924?

(*d*) Are the Government considering the desirability of impressing upon the appointing authorities a strict adherence to the order of the Government referred to in (*c*) in future appointments?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) A statement is laid on the table.

(*b*) Yes, the three clerkships in the Sadar office required special qualifications and existing members of the staff had not the requisite qualifications or records.

(*c*) No.

(*d*) No, as they have no reason to believe that the orders in question are not followed.

Statement referred to in the reply to unstarred question No. 50 (a).

(a) (i)—

Vacancies.	1932.	1933.	1934.
(1) Dismissals	..	1 Clerk 1 *Muharrir*	1 Clerk
(2) Retirements	2 Clerks	3 Clerks 3 *Muharrirs*	2 Clerks
(3) Casualties	1 Clerk	2 Clerks 2 *Muharrirs*	1 Clerk 2 *Muharrirs*

(ii)—

1932.

Two permanent *muharrirs* and one clerk of an experimental office were appointed, extra *muharrirs* being taken in their places.

1933.

Clerks.—Two of the vacancies occurred at Sadar offices and there was a third vacancy owing to the degradation of a clerk for misconduct. All three vacancies were filled by outsiders.

Of the four vacancies in mufassal offices, one was filled by the degraded clerk, two by the absorption of clerks of abolished offices; a permanent *muharrir* was promoted to the other post, his place being taken by an extra *muharrir*.

Muharrirs.—A *muharrir* of an abolished office was absorbed in one vacancy, four vacancies were filled by extra *muharrirs* and the sixth was kept unfilled as a measure of economy.

1934.

Clerks.—Permanent *muharrirs* were appointed and extra *muharrirs* taken in their place.

Muharrirs.—Extra *muharrirs* were appointed in these vacancies.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to answer (*a*), it appears that six clerks and six *muharrirs* were appointed in 1932 and four clerks and two *muharrirs* in 1934, whereas there were only three vacancies. Will the Hon'ble Minister be pleased to reconcile this?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I want notice of the question.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMANDS FOR GRANTS.

MOTIONS FOR REDUCTION.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, in the absence of Dr. Naresh Chandra Sen Gupta, in whose name motion No. 617 stands, may I have your permission, to move it as my own?

Mr. PRESIDENT: Yes, you can move it.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. Is not the permission of the gentleman who tabled the motion required in this case?

Mr. PRESIDENT: No. He can move the motion as his own. I give him permission to do so without notice.

Rai Bahadur KESHAB CHANDRA BANERJI: I move that the demand of Rs. 59,500 under the head "34A—Agriculture—Transferred——Superintendence" be reduced by Rs. 100 (work of the departmental generally and the urgency of adopting a policy of intensive experiments of rural reconstruction by planned cultivation and the utilisation of the proposed grant of the Government of India for the purpose).

Sir, I am glad of the opportunity given me of moving this motion which aims at drawing the pointed attention of Government to the work of the Department of Agriculture and to the urgent necessity of adopting a policy of intensive experiments of rural reconstruction by planned cultivation and by the utilisation of the expected grant from Government for this purpose.

Sir, as is well known to this House, out of rupees one crore proposed to be distributed to the provinces for village reconstruction work, Bengal's share would be 18 lakhs only. Although this amount is by no means adequate, having regard to the magnitude of the problem, yet, we consider that the Local Government should be given an outline of a scheme as to how the money should be spent to the lasting benefit of rural Bengal. It has been our sad experience that the policy hitherto pursued by the spending departments of Government has not been productive of satisfactory results and conducive to the well-being of the people. In the absence of any definite plan, any expenditure incurred in a haphazard and slip-shod manner is bound to prove to be a mere waste of money and energy without any corresponding advantage being derived from it.

Sir, Bengal has been for the last five years passing through a period of acute economic crisis with no sign of abatement. On the top of that, the taxation measures adumbrated in the Bills which the House will be called upon to consider next week will, I am afraid, prove to be the last straw on the camel's back. It is the duty of every progressive modern Government to take stock of the situation prevailing in the country and face it with sympathy, courage, and determination. Taxation can have no justification unless it is accompanied by measures of relief to the masses.

Sir, the ultimate organisation of villages must be on the basis of co-operation. But to start with, we must have an experiment and demonstration under official agency which should from the beginning associate the villagers with it, and ultimately make it over to a co-operative organisation. The experiment should be made simultaneously in a number of typical centres.

The aim of the centre should be to make the best use of the lands of the area under it. This would involve (1) the framing of a scheme for cultivation, and (2) working out the scheme. In regard to the first, a comprehensive survey must be made by an agricultural expert who will frame a scheme specifying the crop to be grown in each part of the area so as to satisfy the needs of the cultivators in the matter of food and, with respect to the surplus crop, so as to bring to them the highest value in money. The scheme should make the most profitable use of every inch of available land. Assuming that the scheme so worked out promises a return substantially above that given by the present use of the land, the villagers should be invited to cultivate their lands in accordance with the scheme, follow the methods prescribed by the centre and act under the supervision of the centre. That brings me to question No. 2.

I imagine that it will be possible to secure the voluntary acceptance by the cultivators of the proposal to cultivate their lands according to the scheme, if a minimum return to each man on the basis of his present earnings is formally guaranteed to him.

Thus if a man holds an acre of land from which, say, he gets fifty rupees worth of crops at present, the centre by its contract will guarantee him crops of the value of, say, Rs. 60 so that if the crop falls short of that, the difference will be made good by the centre.

If an open offer is made on these lines and the Government undertake to open a centre where the villagers signify their willingness to accept the terms, I believe it will be possible to get suitable response from a sufficiently large number of villagers.

Under certain limitations, I am also prepared to give the centre compulsory powers. Thus, where the great majority of villagers agree, I would give the centre power to take a compulsory lease of the lands of others who do not agree.

If voluntary efforts fail altogether, I would favour legislation to enable the Government to make a temporary acquisition of a suitable area for the purpose of working out the scheme, say, for a period of five years.

I have no doubt that if such a scheme is carefully thought out, it will be possible substantially to increase the return from the lands of the village.

In centres like Mymensingh and Dacca, I would not make any attempt to introduce tractors. On the other hand, in some parts of Northern Bengal the scheme may profitably involve the use of tractors and other machineries.

Side by side with the organization of agriculture, the centre should also take in hand the organization of other sources of wealth.

Cattle-breeding along with dairy-farming, poultry-farming, oil-pressing and similar agricultural industries may be developed in suitable areas, and in framing the land scheme, adequate provision should be made for the needs of these industries. Thus cattle-breeding and dairy-farming will involve the cultivation of fodder crops and the provision of suitable lands for grazing and exercise. In poultry farms green crops must be grown to feed the poultry. Oil-pressing will require the growing of oil-seeds. Besides, there will be other needs. Thus, there should be seed farms, manure farms, and so forth. I do not contemplate that all this should be done everywhere; regard must be had to the suitability of the place for each thing.

Orchard-keeping is another business which can be profitably made in some localities and connected with it industries may be started. Thus, in Malda along with orchard, the industry of making pickles and preserves may be organised. At Barisal, the wealth of cocoanut may be utilised for an oil-pressing industry as also for a coir rope and coir-matting industry. Even *copra* would be a profitable merchandise. But I should prefer oil-pressing, soap-making and even the manufacture of hydrogenated oil.

Dairy-farming on a co-operative basis may be started immediately at Malda where some progress has been made in cattle-breeding experiments and the system may gradually be extended to other districts according to local requirements. My idea is to form a co-operative society under an expert dairy farmer and cattle expert. This society would buy for its members cows of good breed and give them credit for the price of the cows and itself maintain a good stud bull. All the yield of milk would be brought by the members into the Society's farm where it may be made into more milk products like butter, *ghee*, *chhana*, cheese, etc., for sale at Calcutta. Organized on these lines, I expect the Society to be a great success. Besides industries thus dependant on land there may be localities where specified industries either exist or may be developed. Spinning, weaving, weaving of gunny cloth, bell-metal work, cutlery, horn work and such other industries where they exist may be developed.

The complete scheme thus worked out will be:—

(*a*) to develop to the best advantage the productivity of the land;

(*b*) to develop other resources; and

(c) to employ and make use of all the available labour to the best advantage.

The marketing of the produce would be a problem as important at least as the production. When the produce is harvested, the needs of the cultivators for food must first be satisfied, so far as the produce of his land would go. But all the saleable surplus of the crop must be brought to a common *golah* for sale. The centre must arrange for the sale of the surplus to the best advantage.

Part of the harvest would be needed for industries such as rice mills, oil presses, etc. The rest must be sold in the best market. For jute and such other crops, for instance, I would suggest that the centre should, if possible, make contracts for sale in advance, and only grow so much crop approximately as is covered by the contracts

Having in view the ultimate organization, of which I shall speak later, it would be advisable to start the industrial organization and the marketing organization as separate units with separate finance; so that the marketing centre and the industrial centre will buy up the crops as they are harvested and ultimately distribute the profits among the producers on the co-operative principle.

For financing the scheme, I should have a central bank, co-operative if possible, but in any case a bank on co-operative lines. The productive centre will borrow from the bank on behalf of the cultivators on the security of the saleable crop all the money needed for cultivation including wages of labourers. With regard to the harvesting and sale of crops the details may be worked out later, if the scheme is accepted.

When the crop is harvested, it will be sold straight off to the marketing centre and the industrial centres as the case may be, on account of the cultivators, so that each man will be given credit for the crops attributable to his land. When the goods are deposited in the godowns of the marketing centre or the industrial centre, as the case may be, that centre will give a receipt in the name of each cultivator for the value of his crop at the market rates.

When this receipt is brought to the bank, the account of the holder of the receipt will be credited with the amount and the account of the centre which issued the receipt will be debited by the same amount. In this way the debt of the cultivator will be transferred to these centres who in their turn will repay the bank as the commodities are sold.

It may be convenient to arrange that the bank will pay out of each individual's account his rents and such debts as the bank may have undertaken to repay according to a scheme detailed below.

From the outset the idea should be to make the scheme self-supporting. The bank should, therefore, be run as a pure banking

concern paying itself out of the interests earned. Similarly, the producing centre, the marketing centre and the industrial centres must each pay its own way out of a share of the profits retained by it. It will not be possible to make these centres self-supporting if the cost of maintaining the rather highly-paid officers who would be needed for pioneer work were debited to these centres. The salaries of these officers should, therefore, be paid by Government.

Coming now to the question of ultimate organization, I desire to say that the end I am looking forward to is that when these centres are in full working order they should be made over to co-operative societies. To make the transition easy, I would like the bank to withhold payment of a portion of the money standing to the credit of each cultivator so as to build up in five years a reserve which will enable him to buy shares in each of the several societies which will make up the economic organisation of the village or village group. And representatives of the cultivators should be associated with the authorities of each centre as an advisory body which will in the end be the governing body of the co-operative society. When the end is achieved, we shall then have a complete co-operative cycle. At the bottom will be the primary societies each of which will consist of a group of individual members. Each primary society will be a member of each of the following societies—producing society, sale society, manufacturing societies, and the supply society from which the members will buy their necessities. The bank will be at the top of this organization. It will primarily finance the producing society which, in its turn, will finance the primary societies. The producing society will reimburse itself by sale to the sale society, manufacturing societies and the supply society. The bank will ultimately be reimbursed by the sale society and the manufacturing societies. The supply society will largely stand apart and be directly financed by the bank. This would be similar to the scheme which is actually working at Gosaba under the fostering care of Sir Daniel Hamilton.

The above is a bare outline of the scheme which has been simplified by keeping out of the picture various factors which go to complicate the question. The chief among these are agricultural indebtedness and the complicated interests in land. The scheme cannot be worked unless the centre is in a position to deal with the crops freely, or, in other words, unless the *mahajan* is kept out of the way.

Agriculturists may be divided into two or possibly three classes *vis-a-vis* the *mahajan*:—

(1) those who are hopelessly insolvent,

(2) those who can pay their debts if their earnings are increased, and,

(3) those who are solvent,

I am doubtful of the present existence of a large body in the third class now that produce values or land values have gone down enormously.

The position of the *mahajan* with regard to these classes, respectively, is as follows:—

(1) they may sell out the man in which event the utmost that he would get would be the *barga* profit of the land, *i.e.*, half the produce *minus* the rent;

(2) with regard to this class, the utmost that he can get would be exactly the same, that is, half the produce *minus* the rent; and

(3) regarding this the *mahajan* may expect to get the full amount of the debt.

On this basis debt conciliation would seem to be by no means impossible. But if there is to be debt conciliation, it would be unfair to limit the operation of the scheme to these places only where centres are started. Any law made for the purpose should be of universal application to all actual cultivators. I would suggest the creation of Debt Conciliation Boards for every place. These Boards should go to villages as Settlement Officers do, call for proofs of every agricultural debt and after examining every case on its own merits frame a conciliation scheme which will be binding on the parties.

This would, in fact, be my general suggestion for removing agricultural indebtedness. I should only add as a rider that if feasible financially it should be a condition of the scheme of conciliation that the debtor becomes a member of a co-operative society which will exercise control over his crops and compel payment of instalments as they fall due. In areas where centres are started, the centres would function as Debt Conciliation Boards for its constituents and when the instalments are fixed, the bank would realise for the creditor the instalments out of the amount standing to the debtor's credit in the bank.

As an alternative, Sir, an option may be given to the creditors to have a permanent right to a share of the produce in lieu of his debt.

As I have said above, the scheme will be financed through the banks. Until such time as the bank can be taken over by a co-operative society, it will be a Government bank. The money that may be needed may be raised by issuing debentures with a Government guarantee of the interest. For seasonal needs, as for instance, for a short time after the harvesting of jute, the finances of the banks may be helped by a temporary transfer of a portion of the Government's balances from the Imperial Bank of India.

I have given above an outline of the economic organisation of the scheme. I take that to be the backbone of the entire scheme for rural development.

A part of the profits of the undertakings may be set apart for village improvement. This along with Government grants and village rates would form a fairly adequate fund for all other improvement works.

Sanitation, water-supply, education and every other beneficent activity may be financed from the profits of these undertakings with such assistance as is already available from local and public funds. Incidentally, these sanitary, educational and other improvement schemes will also react upon the economic organisation by providing employment for some villagers and increasing their buying power.

So far as these other schemes are concerned, I refrain from going into details; partly because the problems are very different in different areas, and partly because we have already got a number of useful suggestions in the field, such as for instance, Dr. Bentley's schemes, the Primary Education Act and so on which are held up merely for want of funds. If we break the chain of economic stagnation and succeed in letting in more wealth into the hands of the people, these other problems would be easy of solution.

To my mind, the right way of attacking the problem of rural development would be to begin at the economic end. To begin with any other would mean throwing in money of which we have no superabundance, without providing for means to recoup it so that our funds would be exhausted before we have fairly come to grips with the problem. If we can successfully tackle the economic problem and make money flow into the hands of the people, every other problem will be automatically simplified.

Sir, the Hon'ble Minister for Agriculture and Industries has, we are told, been evincing a keen interest for the amelioration of the deplorable condition of the people. We find it stated in the newspapers that several experiments are being carried on by the Department of Industries for the economic regeneration of the province and for the solution of the problem of unemployment. It was only the day before yesterday that the Hon'ble Minister for Education during the discussion on the Education Budget said that it would be his most sacred duty to give effect to the suggestions that this House would make with regard to questions that came up before the Council. Sir, I have thrown out certain suggestions and I would expect the Hon'ble Minister for Agriculture and Industries to translate into action the assurance given by his colleague which, I take it, is a part of the general policy of the Ministry and thus show his sincerety in regard to the economic uplift of the agriculturists. With these words, I commend the motion to the acceptance of the House.

Mr. PRESIDENT: The Hon'ble Minister suggested to me that we could take motions Nos. 617, 628, 632 and 645 together and have one discussion on them, as he wants to make one speech in reply. I do not think there is any objection to that.

Rai Bahadur SATYA KINKAR SAHANA: I beg to move that the demand of Rs. 8,59,000 under the head "34A—Agriculture" be reduced by Rs. 100 (to discuss the failure of the department to improve agriculture in the province).

Sir, at the outset I beg to submit that I do not think that the Hon'ble Minister in charge of Agriculture is going to introduce agriculture in the midst of Africa or the Sahara Desert. He is trying to improve the agriculture of the country which has been mainly an agricultural country at best for the last two thousand years. The people of this country are agriculturists perforce, because that is the only source of producing wealth in the country; but agriculture at present has deteriorated within the last two centuries to a great extent. The soil has deteriorated, the health of the people has deteriorated and the quality of the crops has also deteriorated. I think that the Agricultural Department will be doing the best thing if they try to improve the agricultural produces that are in existence in the country. Paddy was introduced in Bengal at least 2,000 years ago and it is still being produced; but we find from the old records that the amount of paddy that was produced in an acre of land formerly was far greater than at present. It has diminished to one-third of its former produce. Then it will be noticed that there are different crops which have been introduced in other parts of India, and which come to Bengal and are consumed by the people of Bengal. Bengalees are fond of potatoes, but for at least five months of the year we get our potatoes from places out of this province. Bengalees take pulse and at least 75 per cent. of that comes from Bihar. Therefore, my suggestion is that the agricultural farms should try to improve the crops that are consumed in this province and introduce new and more valuable crops into the country. I do not say that the agricultural farms are not doing anything. They have been trying to introduce better crops, but they are spending more money and energy in statistical and physical researches. The people who are in agriculture in Bengal are most helpless, they are not even literate as is mentioned in the Census Report. They cannot decipher their own names. If the researches made by the scholars are published in English or even in Bengali it would be of no use to them. Perhaps they will never reach them and if they reach them they will not be able to read them and therefore my suggestion is that the agricultural farms should be made experimental farms for introducing better crops such as potatoes, cauliflowers, beans, etc., which come from Bihar and from places outside the province. If Arboricul-

ture is a part of Agriculture, I think fruit cultivation could also be introduced. Bengalees are fond of lichees, and though it has been found by experiment that in the districts of Hooghly, Krishnagar, Nadia and other places very fine lichees could be grown, no attempt has been made in that matter. Most of the lichees come from Muzaffarpur and other places. The Bengalees are very fond of mangoes, but they mostly come from the Madras side and Bihar. The Bengalees are fond of oranges, but they come from Sylhet and Nagpur and some other places. I would just invite the attention of the Hon'ble Minister to try to introduce these things which will bring money to the cultivators and which will prevent the flowing out of money from this province.

If live-stock be a part of agriculture, I am sorry to say that in Bengal live-stock has deteriorated immensely within the last 400 years; if I may be permitted to stray in the domain of ancient history—the *Aini-i-Akbari* mentions that Bengal cows used to yield 40 lbs. of milk a day, but now not even 40 *chittacks* can be had from a cow. No attempt has been made for the improvement of cattle except keeping one or two stud bulls in the districts. But one or two stud bulls will not help in the improvement of the cattle. Sir, live-stock has deteriorated very much. In the district of Lucknow a six months old goat yields at least 18 lbs. of meat, but here in Bengal a goat (six months old) will not yield more than 3 or 4 lbs. of meat. I would just invite the attention of the Hon'ble Minister to inculcate in the officers in charge of the district agricultural farms to be in touch with the agriculturists and teach them how to improve agriculture. That is my suggestion, and with these words I commend my motion.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, my learned friend, Rai Bahadur Keshab Chandra Banerji, has advocated the trial of the proposals for rural reorganisation which he put forward before Government and the Development Commissioner sometime ago. In dealing with these proposals, I desire to make it plain from the outset that Government appreciate the motive with which he puts them forward, and that, if I am forced to criticise, I criticise not his objects but only the methods by which he seeks to attain them. A good deal of his programme is indeed common ground—we agree with Dr. Sen Gupta not only on the general need for an early advance in the sphere of rural economics, but also on a number of the items which go to bring about that advance. Our differences are on the point what, given the conditions of the province and the psychology of its people, can be regarded as practicable; and our responsibility to the people forbids us to accept any scheme, however attractive, which we do not believe to be practical politics.

My friend desires the whole of the productive power of each village to be utilised to the full, without any regard for the present economic structure; his idea is that there should be some controlling authority or agency in each village which should work in concert with the Department of Agriculture; this authority should decide what part of the land in the village should be sown with jute or other money crops; what should be set aside for fodder crops, and what for grazing. That authority again would select the villagers who are to cultivate and would arrange for the remaining villagers to work at village industries. Further, that authority would collect all the products of the land and all the industries for marketing purposes, and, after meeting the cost and paying the landlord's rent, would divide the proceeds according to the share of each person firstly in the land, and secondly in the work done. My friend's inspiration would seem to be derived from what he believes to have been successfully practised in Soviet Russia, though he would probably call the whole thing co-operative in a capitalistic country like ours.

As a student of political economy, I admit the interest and theoretical advantages of the scheme; but as one who has spent the larger part of his life in close contact with the villages and the men who live in them, I am bound to tell the House that the scheme is not workable as it suffers from the radical defect of overlooking the position on the land and the character of the people who live there.

In the first place, it means a degree of interference with the lives and habits of the people which no ruler of this country, however autocratic, has hitherto attempted. It means dictatorship, pure and simple, for I imagine that nowhere in the world could people of any class be found who would accept such a change willingly and not under compulsion. What would the attitude of the average cultivator be if we sought to impose on them a scheme like this before they are ready for it? Surely, at the best, a degree of passive resistance which would break down the most admirable scheme in the world. Again, it postulates the creation in every village of a controlling agency or authority which would be extremely wise, extremely well instructed and scrupulously honest and impartial. The difficulty, however, is in finding such persons in every village, and in contemplating what would happen if the authority miscalculated; if, for instance, the controlled crop is a failure or the improved methods are disappointing. Who would compensate the villagers, or would they accept the failure of the authority to get results as philosophically as they do in the case of their individual failure? The time may come—there are indeed signs that the time is coming—when the cultivating classes will abandon their individualistic outlook, their mutual suspicion, and will co-operate with authority in reorganising their economic life on a more scientific plan; but I must warn the House that that time has not yet come, and

that any attempt to anticipate must lead to a disastrous failure. I would, however, assure my friend that if he can persuade all the people and landlords of any particular village to experiment with such a scheme, Government will assist by arranging to make available for such an experiment the advice of officers of all technical departments, and watch the result with great interest.

So far I have spoken as a critic, not indeed of all the details of my friend's proposals, but of the lines on which he would give effect to them. We are convinced that at the present time we can advance only by showing the peasants where their interest lies and inducing them to adopt new methods of their own free will. The rate of progress is the rate at which the rural population can assimilate new ideas and agree among themselves to put them into practice. The campaign for voluntary jute restriction is an instance of our methods, and I have great hopes of its success. We agree with the member in believing that one of the great needs of the time is a system of co-operative marketing, though we should not be inclined to introduce it on a large scale without first satisfying ourselves by experiment in selected centres that the people welcome it and can work it with profit to themselves.

Now a special opportunity has come our way with the substantial grant which we are to receive from the Government of India for rural development. As my learned friend is aware, Government are now considering how this sum can be spent with the greatest profit to those whom it is designed to benefit. As the adoption of any particular scheme requires the previous sanction of the Government of India, I am not in a position to state what shape our final proposals will take, but I can at least assure him that his suggestions will receive serious and sympathetic consideration, and I feel that we can count upon his co-operation in any project that is calculated to bring real advantages to the countryside. As our aims are the same and our differences mainly those of time and method, I trust that my friend will see his way to withdraw his motion.

Sir, in introducing the demand under the head "Agriculture," I have dwelt at length on the steps which are being taken for the better marketing of agricultural produce. As I have already said, the Government of India have appointed a Central Marketing Officer under the designation of Agricultural Marketing Adviser to deal with problems relating to the marketing of agricultural produce (both crops and livestock). This work which will be undertaken by a Central Staff under the Adviser in conjunction with the Provincial Marketing Staff falls into three main divisions, namely, (1) investigation work, (2) development work, and (3) work on grade standards. The investigation work will include a series of marketing surveys with immediate reference to the more important commodities such as cereals, oil-seeds and plantation, and special crops falling under the head Crops and dairy products

and livestock, etc., under animal husbandry products. Development work will generally aim at securing the more extensive use of agreed commodity standards, the elimination of waste and the better organisation of producers for marketing purposes. The work on grade standards will be of a technical character relating to the chemical and physical characteristics of such products as oil-seeds, grains, fruits, etc., and the testing of grading technique and equipment under practical conditions. This is a five-year scheme, and the Imperial Council of Agricultural Research have agreed to make an annual grant not exceeding Rs. 20,000 to the Local Government for the purpose. The scheme for this province which involves the appointment of a Senior Marketing Officer to be paid from the provincial revenues, and the four Assistant Marketing Officers and their staff, has been approved by the Imperial Council, and it is hoped that the scheme will be in full working order early next year. Meanwhile, an officer of the rank of Deputy Director of Agriculture has been placed in charge of the office of the Senior Marketing Officer.

The Department of Agriculture in Bengal has been working on the lines adopted by almost every country in the world with the exception perhaps of Soviet Russia. The object of the department is to examine the agriculture of the province, crops, soils and practices; and by research work to produce improved strains of crops; to determine the elements required for soil improvement—chemical, physical and mechanical—and the improvement of live-stock. It is then the duty of the department, as far as its limited resources can be utilised, to introduce improved seeds, manures, implements and stock of the cultivators by demonstration and propaganda. It is hardly necessary to enlarge upon results of the research work. Types of crops have been introduced, giving increased yields over local varieties of 25 per cent. or more. The production of artificial farmyard manure is of far-reaching importance. Information has been obtained and is available regarding fertilisers most suitable to particular areas. Improved stock is available to the public, bulls being issued and kept at stud in the districts. Improved poultry is also now being introduced in the districts. The work of the department in making results available to the public is limited by the funds provided for demonstration. With funds available, rapid strides could be made in increasing the areas under improved crops and in introducing new methods and improved stock.

In days of prosperity, jute was the money-crop on which the majority of cultivators in Bengal depended. No other crop except sugarcane—when *gur* was selling at high prices—was considered by the *raiyat*. With the slump in prices, the cultivator has had to alter his cropping programme. Owing to the imposition of the import duty on sugar, sugarcane is now a crop from which the *raiyat* can obtain a better

return than from jute. The utilisation of cane for sugar depends, however, on the establishment of sugar mills within the province. Three large vacuum pan mills and two smaller vacuum pan mills have come into being in the past two years, and there are prospects of further mills being erected. The lessons of the slump have taught the *raiyat* that a better balanced programme of cropping is necessary. In the past, he bought his oil and his pulses from the proceeds of his jute. He is now cultivating oil-seeds and pulses and is paying more attention to the production of products such as milk and poultry.

In view of what I have stated, I would request my hon'ble friends to withdraw their motions and not to press them to a division.

The motions of Rai Bahadur Keshab Chandra Banerji and Rai Bahadur Satya Kinkar Sahana were then, by leave of the House, withdrawn.

Maulvi TAMIZUDDIN KHAN: Mr. President, Sir, I beg to move that the demand of Rs. 59,500 under the head "34A—Agriculture—Transferred—Superintendence" be reduced by Rs. 100 (jute forecast figures).

Sir, the issue I want to raise is the advisability of the publication of jute forecast figures. Everyone in this House knows that these figures are published twice during the year. First of all, the preliminary forecast is published in the month of July, and this forecast gives the area under jute; the final forecast is published in the month of September, and that gives the estimated yield of the jute crop in the whole province. Probably, the House is aware how these figures are compiled. First of all, we begin with the union boards. The presidents of the union boards are requested to give their figures. Of course, the presidents are not remunerated for their labours. What the presidents do is that they examine orally the *chaukidars* under them and then compile certain figures: naturally, they do it in a haphazard way. The figures then reach the District Officers and they look into the figures and make such alterations as commonsense may dictate to them. Ultimately, they come to the Director of Agriculture; and when these reach him he also, probably, makes some alterations according to his own view of the situation. This is the way—responsible or irresponsible, the House will judge—in which these figures are compiled every year. Now, the question is: "Does the publication of these figures in any way help any of the jute interests of the province?" First of all, it may be said, probably, that the trade is benefited by the publication of these forecasts, and that if the trade is benefited the growers in the long run also are benefited, I would submit, Sir, that the trade is in no way benefited by the publication of these forecasts for the simple reason that the trade does not put any reliance whatsoever on the figures published

by Government, as the trade compiles its own figures. Probably, it is known to many members of this House that respectable firms like Messrs. Sinclair, Murray and Co. and Messrs. Landale, Clark and Co. compile their own figures; and, naturally, the trade rely more upon these figures than upon Government figures. It seems to be a matter of shame that the trade figures are found to be more reliable than the figures that are published by Government. Therefore, it is nothing but an eye-wash to say that the trade is benefited by the publication of these figures. Secondly, we have to see whether the jute-growers are in any way benefited by the publication of these figures. I would submit, Sir, that they are not benefited in any way; on the other hand, they are sometimes greatly injured. The figures that are published by Government do not always tally with the figures which the trade compiles. When the trade sees that the Government figures are too high and the market has naturally fallen, the merchants foresee that the market will rise in the long run, and so they make extensive purchases and make very good profit, but the growers suffer a heavy loss. In the opposite case when the market rises temporarily on account of the figures of Government being too low, the big purchasers cease to buy in the artificially inflated market. The market gradually falls and then they make purchases, but when the market falls, the ultimate losers are the growers because they are the primary sellers. Therefore, I say that in no way the growers are benefited, but very often their interests are positively injured. Last year there was an idea that the total quantity of jute grown would come up to a certain figure, but the Government published a higher figure. There was an immediate fall in prices as soon as the figures were published. Of course, I admit that the figures, when they are published, produce some effect on the market. They produce a temporary flutter in the market, and taking advantage of that a good deal of speculation and gambling takes place in the Calcutta market, and I would like to remind the House that very often a good deal of scandal is spread over an alleged leakage of jute forecast figures. Many members will remember that about three years ago, I think it was in 1933, there was a rumour that the figures had leaked in favour of a certain person in the Barabazar market, and not only there was this rumour in Calcutta, but it spread even in remote villages; even in my own village, the village of Khankhanapur, I heard these rumours and I had to hang down my head in shame because serious allegations were made against the department. As a member of the Council I really felt very much ashamed that such allegations were made. I do not say that these allegations were true, probably they were false. But since these allegations are being made for the last three years, I would ask the Hon'ble Minister whether any enquiry was made regarding these matters, *i.e.*, as to whether there was actually any leakage in any year and if there was any leakage who were responsible for

the same. Taking all these things into consideration, I think that the publication of these figures should cease. These do not confer any real benefit on any people whatsoever. The Hon'ble Minister while speaking on this subject on a previous occasion said that if these figures were not published, the only figures available would be those compiled by the trade, and that in that case the trade will be benefited and the interests of the growers will be injured. It was also said that the figures published by Government are found to be always lower than the actuals and that if they err at all they err on the right side, that is, Government never publish that more jute is likely to be grown than is actually grown. I do not think that is a very plausible argument at all. Are we to understand that Government intentionally or deliberately publish their figures in favour of any particular interest? I am reluctant to believe this. They publish figures in the natural course of events. Sometimes it happens that these figures do not tally with the actual yield—sometimes they fall short of the actual produce and sometimes they are higher than the actuals. That is, however, a different matter. I am definitely of opinion that these things should cease. But knowing the Hon'ble Minister and the department as I do, it is very difficult to expect that they will take this advice. Therefore, I would make an alternative suggestion. In case the Government cannot see its way to discontinue the publication of the figures, instead of publishing these figures in a consolidated form on a particular date, I think these may be published on a district or divisional basis and not on one day but on different days during a particular month. By this I think at least a good deal of this speculation and gambling may perhaps be stopped. If the Government cannot accept my proposal to stop the publication altogether, at least this is what they can very easily do, but I do maintain still that the publication should altogether cease.

With these words I commend my motion to the acceptance of the House.

Rai Bahadur RAM DEV CHOKHANY: I quite agree in what Maulvi Tamizuddin Khan has said about the scandal regarding the publication of jute forecast. I do not see why this system has been continued so long in view of what we have heard about the failure of Government to publish correct figures. The trade, as Maulvi Tamizuddin Khan has said, has given a very correct idea of the crop, and we do not think that any useful purpose is being served by Government figures. Of course Government may have their own reason about publishing these figures, and as Maulvi Tamizuddin Khan has said, if they think that they should do it at all, they should publish them in the manner suggested by Maulvi Tamizuddin Khan, and I fully endorse Maulvi Tamizuddin Khan's views about the

unnecessary gambling which is invited on account of the publication of these figures which is done in nobody's interest. I fully support the motion.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I thoroughly endorse the observations of Maulvi Tamizuddin Khan with regard to some of the characteristics of these figures. I am afraid however he has not gone to the whole length in condemning the present practice with regard to publication of the forecast. In every country forecasts are published under the authority of Government with regard to some of the important staple crops, but in no country in the world has anything like the forecasts that we publish here been given under the authority of the Government. When the Government undertakes to inform the trade or the people generally who are interested in jute about the extent of the crop, one has every right to expect that the Government should proceed on such lines that the figures which they give could be relied upon, but taking the compilation of the jute forecast from the top to the bottom there is nothing in the procedure to give any sort of assurance that it would approach any reasonable standard of accuracy. Why could we not, if we really wanted to have a definite scheme of forecast, have every year a definite investigation of the actual land under jute? Why could we not alter the figures and the areas from year to year according to the sowings as they were? Why should we ask the union boards to supply only *anduzi* guesses? Why should the figures supplied by the union boards be revised by the District Magistrates, and why should those figures be again revised by the Director of Agriculture? Can the Director of Agriculture or even his department possibly have any idea by simply rambling round the country, as to the actual acreage of the land under jute? I think the businessmen who go out about the time of the sowing to look round would give a more accurate estimate of the outturn than these agricultural officers, who look round, can have, and what do we find? Well, the figures are sent in by the District Magistrates and they are settled by the Director of Agriculture; we do not know on what basis. The Director of Agriculture does not get any statistics from any source; he has no definite information. His informants are District Agricultural Officers who have gone round to see what possibly the situation could be. Is that sort of travelling on steamers and trains a proper survey upon which a responsible government could formulate their figures which are intended to inform the trade and the country? It is making the Government ridiculous. We have seen on examining the jute forecasts year after year that they are far out of the actuals. (A VOICE: "They are absolutely correct for ten years.") Only the gentlemen who are actually helping in the work of jute restriction have found that the actual area under jute has been far greater than what has been included in the forecast.

and if the restriction is carried out according to the percentage fixed by Government, the result would be a higher acreage than is actually sown. It is absolutely unreliable as you would find by looking at the actual quantity of jute which is produced. The corrections which have got to be made later on show that they are unreliable. If they are correct or reliable, it means that the Government officers make a good guess. Why should the Government publish guesses and why not the actual facts? What is the object of publishing these forecasts? The forecast is to inform the trade about the quantity of jute that is coming into the market. The trade will make the offer of their prices according to the expectations of the produce. On the other hand, what measures do the Government take to inform the growers of jute of the prices ruling in the market, of the likely demand to instruct them with reference to that? The only attempt that has been made is being made now in connection with the jute restriction scheme. If you have a forecast of the crop, you ought to have a corresponding forecast of the demand in order to instruct the cultivator as to the quantity he should sow. Unless these things are done, I think the crop forecast figures ought to be stopped altogether. I do not want to go further into the question. I have discussed this question more than once, and I do not think it will serve any useful purpose to follow it any further, but I certainly think that the time has come when this travesty of jute forecast should be stopped.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I do not feel encouraged to speak on a subject like this, for, I am sure that any discussion that we may have on the floor of this House will go unheeded. Sir, times without number have we discussed the question of jute forecast and, if I remember aright, it was about three years ago that my friend Mr. Satish Chandra Ray Chowdhury brought forward a resolution in this House for the discontinuance of the practice of publishing jute forecasts. Dr. Naresh Chandra Sen Gupta and other speakers have already said that the forecast is not based upon actual figures. If we analyse the position, we find that the origin of the jute forecast is the village *chaukidar*. The President asks the village *chaukidar* to go about and give him an approximate idea of the acreage under cultivation. Then the President forwards the estimate to the Circle Officer who in his turn sends it to the Subdivisional Officer for transmission to the District Magistrate. And the District Magistrate, in the circumstances already explained, sends it in due course to the Director of Agriculture, who gives a finishing touch to the figures without any idea whatsoever of the actual state of things prevailing in the interior of the villages. I do not wish, however, to waste the time of the Council, but I think I am voicing the unanimous opinion of non-official members of this House when I

say that the time has come for suspending the publication of the jute forecast, if not for ever, at least for a couple of years in order to find out the result. The present economic depression and the slump in the jute market is, to my mind, due in a very large measure to the publication of wrong figures. I hope the Hon'ble Minister will take note of these objections from the non-official members of the House and make an experiment at least for two years and see if it meets the desired end.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, this very subject was discussed in the Jute Committee of which the Hon'ble Khan Bahadur M. Azizul Haque was a member, and it was then decided that we should continue this forecast for the benefit of the cultivators, and if my friends will listen to me with patience I will point out how the jute forecast is prepared. The preliminary and final forecasts for the jute crop are drawn up by the Director of Agriculture and published on prescribed dates. The Director of Agriculture obtains estimates of the area and yield in individual districts from the District Magistrate. He also obtains the estimates from the officers of the Agriculture Department and he is also provided by the members of the jute trade with their estimates of the area and crops. With the data presented, the Director of Agriculture prepares a consolidated statement. The figures in the villages are obtained through Presidents of union boards or *chaukidari panchayets*. There is no other source to obtain these figures in Bengal as there are no village revenue officers as in other provinces, but every care is taken to make the forecast as accurate as it is possible in the circumstances, and generally the margin of difference is not much. Sir, the House must remember that it is a forecast after all. In this connection, Sir, I would further state that one of the functions which it is intended to entrust to the proposed Jute Committee when set up would be to advise as to what and how improvement in the forecast should be made.

Sir, as the House is aware, the Bengal Jute Enquiry Committee unanimously recommended the formation of a permanent Jute Committee, though there was some division of opinion as to the scope and nature of the Committee—a main point in that connection being whether the Committee should be Central or Provincial. The matter was referred to the Bengal Board of Economic Enquiry who also formulated their views, and which were considered by Government. Government have accepted the unanimous opinion in favour of the establishment of a permanent Jute Committee and have referred the matter to the Government of India, as that Government had approved in principle some years ago the appointment of a Jute Committee, though the idea was ultimately put off on financial considerations. The matter is at present engaging the attention of the Government of India, but we hope that the decision will be arrived at soon.

Sir, an allegation has been made by Maulvi Tamizuddin Kh against the department for leakage of information regarding the j forecast figures. I may point out to the member that last year ab two weeks before the publication of the forecast, one responsi member of this House who dealt in jute came to me telling me tl jute forecast figures were out in the market and that people w gambling on it. I immediately took steps and asked for a rep from the Director of Agriculture. It was two weeks before t publication of the actual jute forecast and the Director himself d not know the figures. The practice is that he collects his figures fr the District Magistrates and other sources as I have said before. T figures come to him in sealed covers to his Calcutta address and the day that the forecast is published, he arrives at Calcutta fr Dacca in the morning. He comes to the Secretariat and begins wor ing at the figures with closed doors with his staff when only tl sealed covers are opened. His staff comes with him from Dacca a they also get no opportunity to look into the figures just as tl Director himself does not know anything about them. In the circu stances, the House will judge if there is the least chance of the figur leaking out. I am sure no leakage of forecast figures is possible.

(At this stage, the time-limit was reached and the speaker had t resume his seat.)

The motion of Maulvi Tamizuddin Khan being put, a division w taken with the following result:—

AYES.

Bakeh, Maulvi Syed Majid.
Banerji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chobhany, Rai Bahadur Ram Dev.
Chowdhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Nurul Ahsar.
Fazlullah, Maulvi Muhammad.
Muhim, Maulvi Abdul.
Haque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Nasham Ali.
Khan, Maulvi Tamizuddin.
Momin, Khan Bahadur Muhammad Abdul.
Narton, Mr. H. R.
Poddar, Mr. Ananda Mohan.
Quasem, Maulvi Abul.
Raut, Babu Nuseal.
Sen Gupta, Dr. Naresh Chandra.
Steven, Mr. J. W. R.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Bal, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Bazir Uddin, Khan Sahib Maulvi Mohammed.
Basu, Mr. S.
Benjamin, Mr. R.B.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Aparna Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chaudhuri, Dr. Jogendra Chandra.
Cohen, Mr. B. J.
Das, Babu Gurupreed.
Dutt, Mr. B. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Babu Profulla Kumar.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. R. V.
Hussain, Maulvi Latafat.
Khan, Maulvi Abi Abdulla.
Martin, Mr. O. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mittra, Babu Sarat Chandra.
Mukherji, Rai Sahib Manomohan.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nag, Babu Sak Lal.

Nazimuddin, the Hon'ble Khwaja Sir.
Rahim, Mr. A.
Rahim, Khan Bahadur A. F. M. Abdur-.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Choudhury, Mr. K.C.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Balkeswar Singh.
Roy, Mr. Saral Kumar.
Roy Choudhuri, Babu Nem Chandra.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.
Townend, Mr. H. F. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Sir John.

The Ayes being 22 and the Noes 53, the motion was lost.

(The Council was then adjourned for 15 minutes.)

(After Adjournment.)

The main demand that a sum of Rs. 21,70,000 be granted for expenditure under the head "34—Agriculture" was then put and agreed to.

35—Industries.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 13,78,000 be granted for expenditure under the head "35—Industries."

In speaking on this motion last year, I adopted a somewhat apologetic attitude, because we had not seen our way to carry out all the recommendations of the Retrenchment Committee. I believe, however, that the present feeling of this House favours more, not less, expenditure on industrial development, and that the criticism which I am most likely to encounter will be that the demand should have been greater. This being so, I have little hesitation in recommending to members the items of new expenditure mentioned in the financial statement. Even without the addition of the Sericulture Budget, they represent a substantial development of the department's work, and they are on lines which will, I trust, commend themselves to the House.

Before, however, I deal with the proposals for new expenditure, members will, I think, wish to know what progress has been made with our scheme for dealing with that problem in which they have shown so much interest, namely, unemployment. I described at length last year the lines on which the unemployment relief scheme was intended to work, and spoke of the possibilities which it seemed to me to offer. I will tell the House how we stand now. The number of demonstration parties is 33. They have worked and are working in all parts of the province. They are associated in their work with local advisory boards, and their deputation to this district or that is governed to a considerable extent by the keenness or otherwise of this *non-official* element to receive them and to encourage their work. Some 800 young men of the *bhadralok* class who might otherwise have remained idle and discouraged have received opportunities of learning how to make a

livelihood. Though we have not been able to obtain particulars about the present occupation of all the trained young men, we have definite information that about 150 have started small factories of different kinds giving employment to three or four or even more workers in each case, and many of them have written to express their gratitude for the opportunity given them and their confidence that they can make further progress in the line which they have adopted. We have, besides these, particulars of about 90 more who have secured employment in already established industries. The numbers trained are not very large; but if it is remembered that until recently few *bhadralok* educated young men consented to do manual work requiring skill and manipulation, and if it is remembered that the services of men of this type are essential to the satisfactory development of small and cottage industries, members will, I think, agree the scheme has succeeded to considerably remove prejudice against the dignity of labour and that Government have shown the way and given a lead to those who genuinely desire to strike out a new path.

In dealing with the Budget under "34—Agriculture," I mentioned the transfer to this Department of Sericulture. The transfer comes simultaneously with and is indeed a result of the increased attention that has been paid during the year by both Local and Central Governments to this important question. The Government of India propose, subject to the vote of the Legislative Assembly, to distribute annually for five years grants aggregating Rs. 1 lakh a year for expenditure on the advancement of the sericulture industry. In Bengal, our primary difficulty has been in producing silk of a quality that will satisfy the manufacturers and thus compete satisfactorily with imported silk. One of the main reasons for this has been the damage caused by the disease known as pabrine. An inferior strain of worms produce an inferior quality of silk, and the scheme sent up by this Government is concerned primarily with the means for producing and distributing disease-free seed. We have not yet heard what share in the grant Bengal will secure, but we have reason to believe that it will be substantial, and I have great hopes that this scheme will do much to restore Bengal silk to its former prominence and will bring back prosperity to those areas where production of silk is the principal means of livelihood.

I will not take up the time of the House by giving details of each of the new items of expenditure falling on the Provincial Budget. Members will observe that they cover most, if not all, of the functions of a State Industries Department, namely, training, financial backing, marketing and demonstration. The State can point out the way to industrial career, it can put a man in the way of earning his living, it can furnish him, under proper safeguards, with the capital without which he may be unable to make use of his training; but industrial development on any large scale must depend ultimately on private

initiative and enterprise. The department demonstrates its methods and publishes the results of its research in the hope that private capital may flow into channels indicated and open up new sources of prosperity.

The House will observe that a special effort is proposed to be made during the coming year to improve marketing. In the case of the small and cottage industries, with which this department is primarily concerned, experience has shown that it is of little use encouraging the production of goods without making sure that they are saleable and find access to a market. Hitherto cottage workers have been handicapped for want of marketing facilities. The problem has now been tackled in a businesslike way both by the Association known as the Good Companions and by the reorganised Home Industries Association, and we hope that in their hands the comparatively small sums which we propose to allot will give substantial help to the small producer in disposing profitably all his goods. I take this opportunity of mentioning Government's appreciation, which I know is shared by this House, of the way in which a body of disinterested non-official workers led by Mrs. Reid have unstintedly placed their time and thought at the disposal of the country with a view to securing the revival of the arts and crafts of the province by striving to create an ever-expanding market not only in this country but also in foreign countries. The Committee has made a promising beginning, and Mrs. Reid, while in England, was able to secure with the help of Her Excellency the Countess of Willingdon a contract for the sale outright of £1,000 worth of goods from Bengal for an exhibition in London in May next.

With these words, Sir, I beg to commend my motion to the acceptance of the House.

Mr. H. R. NORTON: Mr. President, Sir, I beg to move the motion that stands in my name, namely—"That the demand of Rs. 5,617 under the head '35—Industries (Transferred)—Funds for the working of the Bengal State Aid to Industries Act' be reduced by Rs. 100." My object is to draw attention of the House to the farcical working of the Act. We have had just a very nice introductory speech from the Hon'ble Minister with reference to the Industries grant, but I failed to hear one word in connection with the State Aid to Industries Act. Sir, in 1932 the Council passed the Bengal State Aid to Industries Act, a Bill sponsored by the Hon'ble Minister for Industries; and to find out whether it is intended to really work the Act, or let it die as in Bihar and Orissa, is my object in moving this token cut.

The Act, an ideal one, I feel, brought great hopes to budding industrialists, but so far no one has benefited, the only money spent has been approximately Rs. 1,250 to pay for advertisements in the daily papers to invite objections to those applications the Board had recommended to Government.

When this Act was passed an Advisory Board was formed; this Board has met approximately once per month since November, 1932, spending a considerable amount of time (involving no cost to the Government) enquiring into the various applications, and the Board has received the valuable advice of the Director of Industries and his staff, whose most excellent reports together with personal interviews with the applicants, has enabled the Board to make their recommendations to Government.

Now, Sir, the position is this, up to the end of January, 1935 (27 months after the first meeting of the Board) we find that not a single pice has yet been paid to any applicant, and there appears to be very little likelihood of any being done in the near future; for the length of time taken by Government to consider the recommendations of the Board, and then the inordinate length of time again taken to arrange the preliminaries, mortgage, etc., simply disheartens the applicants so that they eventually withdraw their applications; if it is the Government's intention that this Act should be worked successfully they must hasten their decisions, for they ought to know that applicants cannot wait indefinitely for finance.

This year's Budget also indicate that Government do not appear to take the Act seriously; in 1933-34 no loan was arranged; in 1934-35 one lakh was arranged for and this has according to rules reverted back to Government, and it appears to me that this all along was the intention of Government and now for this coming year, 1935-36, nothing has been arranged for. So I think that is sufficient indication of the Government's attitude, but what I would like to know is why the Government will not get the Act working with the money subscribed by several influential gentlemen, whose desire it was to see the Act successful, but Government seem to be holding on to this in the same manner as they do their own funds, in spite of the fact that this publicly subscribed money will be lent out at 6¼ per cent. interest, and when Government do decide to disburse this money the repayments with interest should be specially earmarked to form a nucleus of a permanent fund for State Aid.

Sir, the position to-day, after 27 months, due to the dilatory methods of Government, is simply ludicrous, and I would like to explain to the House the position the Industries Board find themselves in; at the end of January, 1935, they have received 43 applications, and so far has considered 23, of which 9 were recommended to Government for acceptance and 14 for rejection.

The Board has received orders from Government so far of sanction of the applications of only three and of which two applications have since been withdrawn.

Now, to give you, Sir, a little later information up to March 6th, 1935, the Board has spent Rs. 1,226 on advertising and the actual amount sanctioned by Government against five different applications is

Rs. 11,000, of this sum Rs. 909 representing two small loans have been refused by the applicants; but I want the House to note that there has been no actual disbursement of money in 2½ years—it seems incredible, but it is perfectly true.

Having given the House this information, I would like to tell them by citing one or two cases, the time taken by Government to consider the recommendations of the Board.

On March 6th, 1934, the Board recommended a small loan of Rs. 500 to an applicant, who wanted to improve his umbrella factory, an excellent case for immediate decision as the proprietor was doing quite a nice little business but wanted more capital to enable him to turn out more umbrellas for the monsoon season, but this loan was not sanctioned by Government till August and then after waiting for some time for the money which was not forthcoming, he withdrew his application.

Another case, the Government sanctioned a loan on September 24th (this loan was recommended by the Board on June 1st) and the applicant writes to the Board on February 12th, 1935, five months later, declining with thanks the loan ordered to be granted him, intimating at the same time that they had in anticipation of Government aid started business but had failed and sustained heavy loss. You may note, Sir, that five months after sanction nothing is paid.

Another case, recommended to Government on November 5th, was sanctioned in their communication of February 14th—only sanctioned mind you, Sir,—it still remains to be seen how long it will take Government to disburse the amount.

Now, Sir, I only cite three cases taken at random and in my opinion they show the attitude of Government towards the State Aid Act, and I consider it uncomplimentary to the Board and to the members elected from this House, that their recommendations should be treated so casually by the Government. Surely Government realise that an application for money to start a business must be considered as urgently needed, and if the application is recommended by the Board and the security is in order, there should be no need for six months to decide the case, and I consider it scandalous that at the end of 2½ years not one pice has been paid to applicants and no attempt made to successfully work the Act. With these remarks I recommend my motion to the House.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 5,617 under the head "35A— Industries (Transferred) —(c) Funds for the working of the Bengal State Aid to Industries Act" be reduced by Rs. 100 (working of the Act).

Sir, the House has just heard from Mr. Norton, who continues to be a member of this unfortunate Board, that up to date not a single

pice has been paid out by the State Aid Board which was ushered in with a fanfaronade of trumpets not only from the Government side but from us on the non-official side. The House will remember that two of the members of this Board are to be elected by the Bengal Legislative Council. The first two members to be elected by this Council were Khan Bahadur M. Azizul Haque, as he then was, and myself; and Mr. Norton was also elected as one of the first members as the representative of the Trades Association. We have got certain dates from Mr. Norton for the information of the members of this House, to whom, probably, Mr. Norton's sweet voice did not appeal; I will, however, put into the ears of the members these dates and which I will ask them to remember. The Act was passed in July, 1921; the Board was constituted in October, 1932; and certain rules were framed by the Board on the 18th November, 1932. These were sent up to Government for sanction, and these rules, as amended by Government, dated some time in June, 1933, were not published till July, 1933. When these rules came up before the Board, the Board found that there were several very objectionable rules. One of them was that it required every application for aid to be advertised in the *Calcutta Gazette* and the daily newspapers. The Board thought that that was a sure way of driving away applicants. The people who wanted to start business did not like to advertise the fact that they were starting business with a loan from Government. Another rule to which the Board objected—or rather to the absence of which the Board objected—was that under section 20 of the Act the Local Government may delegate to the Board its power to grant State aid under section 19 on such terms and conditions and with such limitations and restrictions as it thinks fit and in the rules no such delegation was made. The Board thought that if every application had to be sent up for final acceptance or rejection by Government, it would take a long time and would probably mean denying any aid to the applicants. How well founded the apprehensions of the Board were have been demonstrated to this House by the speech of Mr. Norton. Well, Sir, the rule regarding the fees to be paid to the members attending was one to which objection was also taken by the Board. The Board formulated their objections and sent them up to Government on the 6th March, 1934. Well, Sir, on the 23rd March, 1934, I brought up this matter before this House, and I do not know if at this date hon'ble members will remember the flippant, the impertinent, and the disrespectful reply which was given by the Secretary of the Industries Department. What he said was—"Mr. Basu's real grievance was that he did not get sanction to a fee of Rs. 32 for attending each meeting." That is the way, Sir, in which the members of this House are treated. The other member of the Board elected by this Council (Mr. Haque as he then was), the Hon'ble Khan Bahadur M. Hazizul Haque stated in his speech that the reply cast a slur on the

members by referring to a point not even mentioned by Mr. Narendra Kumar Basu and that this sort of attitude on the part of the Government would only lead to resignations from the Board, and it did actually lead to resignations of membership of the Board. I resigned promptly and my friend did it later on. I want to draw the attention of the House to the fact that apart from the fact that not a pice has during these three years been paid by the Government for aiding any small industry, whenever you want to be treated seriously, you are treated in this flippant, impertinent and disrespectful manner. You will find from Mr. Norton's speech that Rs. 58,000 were subscribed by several public spirited gentlemen, and one of those was the Hon'ble Nawab K. G. M. Faroqui himself; it was up to him to see that the money he had given to Government was spent and spent on a good cause. Unfortunately for him he is enmeshed by difficulties from all sides and even his intentions do not bear any fruit. We were told last year that a lakh of rupees had been placed by Government in the hands of the Hon'ble Minister for the purposes of the State Aid to Industries Act. As you have heard from Mr. Norton, not a pice, excepting Rs. 1,200 spent for the purpose of advertisement, has been spent up till now, and if you point out to the department about the rules made by them, you find out that they are meant to discourage people from coming in and the intention of the department is that this Act should not be worked. If you turn to page 73 of the Budget of this year you will find that instead of a lakh of rupees given last year a magnificent sum of Rs. 5,617 is provided as fund for the working of the Bengal State Aid to Industries Act. I know that there is that Rs. 58,000 and I know that the department is determined to hold on to that Rs. 58,000, and it does not matter whether Rs. 5,000 or even five *courtes* have been given by the department.

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: May I rise to a point of order, Sir I would refer Mr. Basu to page 92 of the Red Book where he will find that Rs. 60,000 is provided there in the Loans Budget.

Mr. NARENDRA KUMAR BASU: Well, Sir, they know that they provided a lakh of rupees as an eyewash in the Loans Budget for the current year, but they did not spend a pice. This year they have provided Rs. 60,000. Next year the provision will be less than that, and in the following year there will be nothing in the Budget. It does not matter whether Rs. 5,000 or Rs. 50,000 or Rs. 5 lakhs is provided, if you are determined not to pay a pice out of it. I want the House to remember that it is clear from what Mr. Norton stated and from the facts that I have placed before the House that it is not the intention

of the Government to work this Act, and I want the House to remember that their representatives on the Board are insulted in this fashion when they draw the attention of the Government to matters relating to the working of the Act.

With these words I commend my motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I am somewhat surprised at the complaints made by Mr. Norton and Mr. Narendra Kumar Basu. Neither of them is young and I suppose they have read a lot and, they have at least read the immortal book "Little Doritt". They ought to have known that the department and the Government whom they were dealing with had been very accurately and properly described by that immortal author Charles Dickens as "the circumlocution office." The principal thing for which the department exists is to show "how not to do it." If after all their experience, my friends are under the illusion that the successors to the circumlocution office of Dickens' days should be trying to do something, I feel sorry for them. Mr. Norton has given facts and figures and so has Mr. Basu, but the most important question with regard to this State Aid to Industries Board they have not mentioned. They have not said anything about how many maunds of paper, how many miles of red tape have been used and the total number of memorandum and notes and the number of files which have gone round the Secretariat. These are the most valuable and relevant facts for the purpose of assessing the Government work regarding this Act. These are the only tests—the maunds of paper and the miles of red tape and the number and multitude of the flat files which have gone round the Secretariat. It would be interesting to hear from the Hon'ble Minister the exact statistics with regard to these things which would be perhaps enshrined in our reports and read with as much interest as "Little Doritt" is read, Sir. The whole thing has been a sham and a shame.

Mr. P. BANERJI: Sir, I want to tell the members of this House about my brief experience as one of the members recently elected from this Council to this State Aid to Industries Board. Mr. Norton, the mover of the motion, has rightly pointed out that there has been delay on the part of Government, and I should submit to you that the cumbrous procedure laid down by the rules made under this Act is another reason for the delay. As Dr. Naresh Chandra Sen Gupta has pointed out, that book "Little Dorrit" mentions one side of the thing. The whole object of this Board is to help these small industries and to give them some aid. From the experience that I have got I find that the difficulty has been that not a single farthing so far has been paid. The

reason is that Government in most cases take unusual time in approving the proposal sanctioned by the Committee, even when there is a draft of the document, according to the rules, the Government send it to the Government Solicitor for the preparation of the document. I find no reason why there should be so much delay in this matter. If the Government say that they have good intentions, I submit that I do not agree with them. Here is a glaring instance that Government do not want to do things honestly. When I went there for the first time I found to my utter surprise that what the members of the Board wanted to do by the 31st March was that they were anxious to surrender the major portion of the grant. In fact, the Board had to surrender the sum of a lakh of rupees. Besides the contribution money, so generously made by the Hon'ble Minister, Nawab Faroqui, Mr. S. C. Mitter, the Deputy Director of Industries and other members of the public, there is one lakh of rupees sanctioned by the Government, and there is an arrangement of banking on cash credit. Nothing out of this money has been invested. First of all when I came to the Board it was said that the Board did not function properly. Whatever might be the reason for Government coming to this decision, the Government point was that at times there was no quorum or that some members did not attend and so forth—the fact remains that not a single farthing has been given What is the reason for this? Is it because of the fact that the Hon'ble Minister, in spite of his good intentions, could not do anything to do away with the red-tapism, or is it because the Hon'ble the Finance Member managed the situation in such a way that while on paper the money would be given but nothing would be actually paid so that the Finance Member might ultimately get the money? The provision in the Budget this year is Rs. 60,000, but next year it may be nothing. Then, Sir, there is a rule for inviting opinion on each application made for advances, whether the application is accepted or refused—in both the cases, it will be advertised. The people consider it very humiliating and have become very shy to come to the Board for help. I suggest, therefore, that this set of humiliating rules must be revised. Unless these humiliating rules are revised, no person will come forward to take money from the Board.

With these words I support the motion.

Mr. K. C. RAY CHOWDHURY: Sir, it appears to my mind that the main charge against the Government is that of dilatoriness. In this country we are all accustomed to much more dilatory business like that. Anybody who is conversant with the Calcutta Corporation knows that. I shall give you one instance. I had some money deposited in a court as security. After the court decided the case I could get the

money back only after 18 months. To my mind—I do not hold any brief from the Ministry—I do say to those who want to help these small industries that the experience of the Bihar Government is very sad in this matter. The Government had to wind up the business there; they could not realise loans. The whole thing almost collapsed and most of the industrial concerns who obtained loans disappeared. Therefore I think whoever was cautious, the caution was rightly exercised. I will give you some facts. The total number of applications for loans was 48 during the period in question, and they wanted loan of a total amount of Rs. 8 lakhs; the total number of applications recommended to Government was only nine; total number of applications under enquiry, 18; total number of applications rejected by the Board, 17; total number of applications recommended by the Government but rejected by the Board, nil. That is where, Sir, I have to defend Government, for they accepted the recommendation made by the Board. Then the question is: Who is to blame for not making any grant—the Board or the Ministry. My submission is that as members of the House, who are so anxious to get elected to the Board, they themselves funked their duties and it can be proved.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Has the hon'ble member any right to say that the members funked their duties.

Mr. K. C. RAY CHOWDHURY: Well, Sir, "funk" is a parliamentary expression.

Mr. PRESIDENT: In any case I feel bound to say that it is not a happy expression.

Mr. K. C. RAY CHOWDHURY: Well then, I say they did not do their duty. As I said, Sir, I do not hold any brief for Government. I myself had sent in two applications for loan for cutleries, and they were very well received Mr. Norton's complaint that nothing was paid out during these two years may be right, but the question is whether the Board was wrong or the Minister was wrong and this responsibility must be allocated to somebody; and all this farcical talk about grants not being made will not lead to anything. Unless proper attention is given and the proper caution is taken, it will end in a sad thing, as has been proved in that province outside Bengal.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I am not surprised that the Bengal State Aid to Industries Act has not been worked in a manner which has satisfied my friend Mr. N. K. Basu or Mr. Norton. And what I am really surprised at is that a gentleman like

my friend Mr. Basu after his experience of the Legislative Council and of the work of Government in the transferred departments, should have taken so long to be disillusioned. Mr. Norton has shown that so far not a single application or an applicant has received any aid from the department. My friend Mr. K. C. Ray Chowdhury has taken the cudgels on behalf of Government and has tried to defend them saying that the only charge that could be laid against them is dilatoriness, and he justified it by mentioning that every department of Government is equally guilty of dilatoriness. If I were Nawab Faroqui I would say: "God save me from my friend!" I would point out to Mr. Ray Chowdhury that it is not really dilatoriness which we have to complain against, but a want of will on the part of the department; what we really feel is that there is no sincerity, no real intention of the department to help the applicants who come to them for assistance. Sir, I am not one of those who thought that this Act would bring succour to those who needed succour to any large extent. After all, it is intended only to give aid to those whom the department professes to be teaching small industries and to others who want to start home industries. But what has been the result? During the times the Industries Department have been at work, they have certainly started lots of training schools. They have also trained a lot of people and we are told that a large number of them has started business on their own account. But after all the sum total of their activities—I mean the activities of those, who have learned these industries, taken togther—are almost negligible so far as the question of unemployment or the improvement of the economic condition of the people is concerned. Sir, what is the good of teaching a few boys how to make brass vessels? I am told by a member from Noakhali that a training party from the Industries Department went to Noakhali, stayed there for three months to teach them brass work, and the result was that after ten months' work the most efficient pupil produced a vessel which was 3½ seers in weight and could hold only about a quarter of a pound of water! Whatever that may be I am not blaming the department on this score, but want that they should work the Act with a will and in the right spirit to bring real relief to those in need of their help. The money they get is certainly very little and our complaint is also against the Finance Department that larger grants should be given. With these words I support the motion of Mr. Basu.

Mr. S. M. BOSE: Sir, at the outset I must express my regret that an esteemed member of this House, namely, my friend Mr. N. K. Basu, should think he has been rudely treated. He has our sympathies with his feeling sore over the matter, but I am sure that this feeling is not behind this resolution in any way. Then, Sir, as regards what Mr. Norton has said we should remember under what circumstances the

State Aid to Industries Act was passed. At that time, none of us or perhaps a very few of us actually hoped that it could be brought into operation in the immediate future. In fact, many of the members here opposed the Bill, on the ground that it would be merely a paper Bill, seeing that there was no money, so what was the use of passing a high sounding Bill like the State Aid to Industries Act? That was the general impression, but many of us thought it better to get the Bill passed now, hoping for better times. So it is not a matter of surprise to us that this Act is being given effect to very, very slowly. Apart from that, the very nature of the Act demands the utmost care and scrutiny in its application. As some of us are aware, similar Acts in some other provinces have, so far as our information goes, proved failures. And it is all the more reason that those who have the working of the Act should be very circumspect, very cautious in applying the provisions of the Act. It is very easy for people to ask for money without much ground, and public money may easily be wasted. As my friends have pointed out, the rules which were passed in June, 1933, were objected to by the Board. Perhaps the fault lies in these rules, which are somewhat obstructive and which do not encourage rapidity of action. That may be so, but I think that these rules err on the side of caution. With these words, I oppose the motion.

Rev. B. A. NAG: Sir, in a matter like this some members probably very naturally have an undue advantage over others; what I mean is that the members of this Council who are also members of that particular Board know of facts of which we know nothing. So I must say that in a matter like this such members ought to be gracious and courteous enough to bring to our knowledge the facts on which they depend to ventilate their grievances in this House, so that we might test the value of their statement. Now, Sir, certain facts have been stated, but when I go through the attendance register, is it not a fact and is it not known to our friends that several meetings of this Board could not be held for want of a quorum? This does not speak certainly against Government, rather it speaks against the Board and the interest the Board feels in this matter. My friend Mr. N. K. Basu, I understand, attended the meetings cent. per cent. and some of them attended probably only 25 per cent., and some still less.

Mr. NARENDRA KUMAR BASU: What has that to do with this? This is not the point.

Rev. B. A. NAG: What the point is I do not know, but I am looking at the point as others see it and not as my friends would have me see it.

Mr. NARENDRA KUMAR BASU: Has any member the right to expect any point from Mr. Nag?

Rev. B. A. NAG: Having said that, I believe I can now say where the blame lies. Now, Sir, as to the fate of the applications, Mr. K. C. Ray Chowdhury has said that he had put in two applications.

Mr. NARENDRA KUMAR BASU: Where did you get your facts from?

Rev. B. A. NAG: From the right source, of course. Now, Sir, the number of applications which have been recommended by the Board is only nine and during all this time they have been able to go through all the applications and recommend only nine and they have taken all this time to enquire into 18 applications only and Government out of that has accepted six. Well, I do not think, therefore, that the blame rests with the Minister, but rather it is the other way about.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, I should, at the outset, explain that the sum of Rs. 5,617 as provided in the Budget does not represent, as has been pointed out by Mr. N. K. Basu, all the provision that has been made for giving aid under the Act. Members will perhaps remember that my friend Mr. S. C. Mitter, Deputy Director of Industries, gave a donation of Rs 10,000 and my humble self a donation of Rs. 5,000 to be utilised before drawing upon the amount budgeted. The amount in question provides for charges to be incurred in working the Act; the provision for giving aid to industries under the Act is made in the Loans Budget. Apart from the liability undertaken by Government in guaranteeing cash credits with banks to the extent of Rs. 50,000, a provision for Rs. 1,00,000 was made in the current year's Budget for grant of advances under the Act. As it has been decided that funds amounting to Rs. 54,000 built up out of public donations and contributions and accumulating under the Bengal State Aid to Industries Act, have been utilised first before drawing upon the Government grant, it has not been possible for the Board to utilise any part of the provision of Rs. 1 lakh for expenditure during the current year. A reduced provision of Rs. 64,000 has accordingly been made in the Loans Budget for 1935-36. It has so far been possible to sanction a grant of loans, etc., to the extent of Rs. 14,000. Government have been acting in the matter on the advice of the Board of Industries, a representative body consisting of non-official gentlemen, mostly engaged in business, and their advice is being always followed in the matter of grant of these loans. My friend, Mr. Narendra Kumar Basu, was recently a member of the Board of Industries while my friend Mr. Norton is now the Vice-President of that body. It may be stated here that not a single application recom-

mended by the Board has so far been rejected by Government nor, in view of the fact that the Board has not yet been able to spend up to the amount accumulated in the Bengal State Aid to Industries Fund, any complaint can possibly be made that the provision in the Industries Budget is inadequate.

The progress in the grant of loans has been slow. In this connection I would like to state for the information of the House that the Board of Industries received altogether 48 applications for loans amounting to Rs. 8,07,551. Out of these 48 applications, the Board rejected 16 applications applying for a total loan of Rs. 6,77,776 and accepted only ten applications for a loan of Rs. 55,500. Of the remaining petitions 22 are still under enquiry of the Board and three have not been pursued by the applicants themselves. It will appear from these figures that the slow progress in the grant of loans has been mainly due to the large rejection of applications by the Board of Industries. Government have treated the cases under the State Aid to Industries Act recommended by the Board of Industries as urgent, but dealt with them as expeditiously as possible and as I have stated before, Government have not rejected any single application recommended by the Board. If there was any little delay in the disposal of certain applications in the Secretariat, it was due to careful scrutiny by the Agriculture and Industries Department and the Finance Department of Government. The importance of scrutiny cannot be denied, particularly in view of the fact that it is reported that in the sister province of Bihar and Orissa where an Industries Act has been functioning Government suffered a serious loss in the loans made. Government, however, trust that as soon as the procedure becomes stereotyped the delay will considerably be minimised.

The Board made certain suggestions for the amendment of the rules under section 60. These suggestions were:—

(1) that the Board should have power to reject an application outright; and

(2) that the provision for publishing the names of applicants and inviting objections should be replaced by a procedure of publishing the names of persons to whom aid has been granted. Under this suggestion, the procedure of inviting objections would disappear.

Government, however, could not agree with the Board's suggestions to reject applications outright, nor could they accept the Board's proposal regarding inviting objections to applications, as we are advised that the procedure of calling for objections is important; but Government amended the rules to the extent of making it unnecessary for the Board to invite objections in cases where the Board is satisfied at the outset that the application should not be granted. However,

with a view to assisting the Board in making more satisfactory progress in the working of the Act and speedier disposal of loan applications, I shall only be too glad to discuss with the President and Vice-President of the Board regarding their present difficulties.

I hope, Sir, the explanation given by me will satisfy my hon'ble friends who will not press their motions.

Mr. PRESIDENT: Two motions are now before the House, one of Mr. Norton and the other of Mr. Narendra Kumar Basu. I propose to put Mr. Narendra Kumar Basu's motion which is analogous to Mr. Norton's, and the decision on the one will cover the other.

Mr. Narendra Kumar Basu's motion being put a division was taken with the following results:—

AYES.

Arthur, Mr. C. G.
Banerji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chakhany, Rai Bahadur Ram Dev.
Chowdhury, Maulvi Abdul Ghani.
Cooper, Mr. C. G.
Fazlullah, Maulvi Mohammad.
Guthrie, Mr. F. G.
Homan, Mr. F. T.
Hussain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Momin, Khan Bahadur Mohammad Abdul.
Nartan, Mr. H. R.
Quasem, Maulvi Abul.
Ray, Mr. Shanti Shekhareswar.
Raut, Babu Nosoni.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Afzal, Nawabzada Khwaja Mohammad, Khan Bahadur.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Babu Premhari.
Barma, Rai Sahib Panchanan.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Basu, Mr. S.
Benjamin, Mr. H. D.
Biswas, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chaudhuri, Dr. Jogendra Chandra.
Das, Babu Gurapresad.
Dutt, Mr. G. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. R. N.
Guha, Babu Protulla Kumar.
Guha, Mr. P. B.
Haque, the Hon'ble Khan Bahadur M. Aziziul.
Hodge, Mr. J. D. V.
Hussain, Maulvi Latafat.
Khan, Maulvi Abi Abdulla.
Mahti, Mr. G.
Martin, Mr. G. M.
Miller, Mr. S. G.
Mitter, the Hon'ble Sir Brojendra Lal.
Mittra, Babu Sarat Chandra.
Mukharji, Rai Sahib Hemamohan.
Mukherji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Reverend B. A.
Nag, Babu Sub Lal.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Poddar, Mr. Ananda Mohan.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Babu Ameiyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Babu Maribanna.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Hathipur.
Townend, Mr. H. P. V.
Walker, Mr. B. L.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Sir John.

The Ayes being 21 and the Noes 59, the motion was lost.

The main demand that a sum of Rs. 13,78,000 be granted for expenditure under the head "35—Industries" was then put and agreed to.

37—Miscellaneous Departments.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 2,22,000 be granted for expenditure under the head "37—Miscellaneous Departments."

MOTIONS FOR REDUCTION.

Rai Bahadur SATYA KINKAR SAHANA: Sir, I beg to move that the demand of Rs. 1,49,400 under the head "37A—Inspector of Factories" be reduced by Rs. 100 (nature of inspection).

Sir, it is well known to every one of this House and of this province that, leaving aside the jute mill industry—the biggest industry in the province, and which, unfortunately, is mainly owned, by foreigners there are small industries cropping up in this province, *e.g.*, rice mills, oil mills, flour mills, and such other small industries. These mills are generally in the possession of Indian business-men who have no high education—no technical education—and who generally run these mills with the help of mechanics who have got only practical training and no academical training. So, Sir, the owner and the mechanic are not supposed to know much of the intricacies of law. We expect the Inspectors of Factories when inspecting any factory to be helpful to these small industries. But the way they conduct these inspections is rather an obstructive one—especially it is so in the case of inspections conducted by the Boiler Inspectors. When the Inspectors of Factories go to inspect a factory, they look into everything in a fault-finding spirit and try to find out what section of the Factories Act have been broken or what sections of the Boilers Act have been violated. And if they find that some places in the factory, which should be hedged in properly, it is all right that they require the hedging to be put in within a certain time. What we expect them to do is first to give notice to the owner or proprietor of the factory and allow him at least seven days' time for doing the thing; but instead of that they at once pass an order to the effect that the factory should stop work till the hedging was completed. This cannot but be obstruction.

In the case of boilers, when the owner sends in the necessary fee to the Boiler Inspection Department, for the annual inspection of his boiler a date is fixed for the inspection of the boiler; and the proprietor is asked to stop working the boiler for seven or eight days in order to allow the boiler to be cooled and cleaned. If the Boiler Inspector,

for reasons best known to him, finds some defect in the boiler he passes an order—of course, verbally—requiring the owner to have some patch-work done to the boiler and the poor proprietor has no choice but to act up to the instructions of the Inspector. He spends something like Rs. 500 or Rs. 600 for the patch and when the work is finished, writes to the Chief Inspector of the Boiler Commission to give him a certificate after the second inspection. When another Boiler Inspector comes and looks into the matter and sees the patch-work done, he says: "Who passed such a silly order? The boiler was quite right and no patch-work was required." Sir, this is the sort of work that is done by the Inspectors, who, instead of being helpful in any way, act in an obstructive manner towards these small industrialists. My object, therefore, Sir, is to request the Government to inculcate upon the Inspectors that inspection of factories, etc., are not meant for the purpose of putting obstruction, or make the owners run a hurdle race, but to help them and to explain to them the provisions of the Factories Act and the Boilers Act. I hope, Sir, that Government will not fail in seeing to this. As the time for the discussion of this demand is short, I think that I must stop there.

With these few words, Sir, I beg to commend my motion to the acceptance of the House.

The Hon'ble Sir JOHN WOODHEAD: Sir, the object of the Rai Bahadur is to impress upon me and the Factories and the Boiler Inspection Departments that the inspections carried out by these departments should be conducted, not in an obstructive and harsh manner, but in a helpful and sympathetic way. I agree, Sir, with that general principle; but I trust that the Rai Bahadur will not expect me to admit that the Factories and the Boiler Inspection Departments do not inspect the factories, etc., in the manner he and I agree that they should do. It may be, Sir, that inspections occasionally made by certain officers are not quite so helpful or conducted in such a sympathetic manner as he might desire them to be. But I cannot deal with specific cases of which the Rai Bahadur has personal knowledge, and I have not. But if he would come to me and tell me in what direction he thinks we could effect improvements, I shall be only too pleased to do everything I can to ensure that inspections are not obstructive in character but helpful to the industry and those running it. At the same time, Sir, I would remind the Rai Bahadur of this—I think he mentioned one instance in which an Inspector insisted on the machinery being stopped while the necessary fencing was being erected. The Rai Bahadur seemed to think that the better course would have been not to have stopped the machinery but to have insisted on the fencing being erected within seven or ten days. Now, with regard to this, I would ask the Rai Bahadur to consider what would have been the position if during those seven or ten days a serious accident had

occurred owing to the non-erection of the fencing. Is it not likely that the failure of the Factories Department to insist on the erection of the necessary fencing would have been commented upon and the Inspector concerned charged with not carrying out his duties properly?

Then, Sir, take the case of a boiler—the Rai Bahadur referred to boilers—which bursts causing injury to people working around it, the first impression of the accident will be that the Boiler Inspection Department have not been carrying out their duties properly. So, there are two sides to this question. I quite agree that we should be as helpful as we possibly can. On the other hand, it must be remembered that it is our duty to see that the rules are obeyed, particularly those rules which are designed to protect human life and property. Still we should be as helpful as possible and with the promise I have given him the Rai Bahadur, perhaps, will agree to withdraw his motion.

Rai Bahadur SATYA KINKAR SAHANA: After listening, Sir, to the very sympathetic reply of the Hon'ble Member, I beg leave of the House to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Mr. P. BANERJI: Sir, I beg to move that the demand of Rs. 2,22,000 under the head "37—Miscellaneous Departments—Reserved and Transferred" be reduced by Rs. 100 (attitude of the Chief Inspector of Factories regarding the inspection of presses in Calcutta).

Sir, the object of tabling this motion is to bring to light the callous and indifferent attitude of the Factories Department in carrying out the provisions of the Factories Act. I consider that the operation of the Act seems to be a dead letter. Most of the presses come under the operation of this Act, and this involves a large number of people—over 40,000 people are working as press employees. Sir, if you went into the private presses, you would find that most of them are veritable hells; there is no light, no ventilation; there is always an accumulation of dust; the generation of gas and vapour contributes to the death and diseases of many—diseases like tuberculosis and lead-poisoning, etc., in a more or less advanced stage. The fact is that whenever these inspections are made—the Hon'ble Member has just pointed out that they are made properly though he admits that he has no personal experience in the matter—the inspecting staff deliberately avoid asking any questions of the employees, but consult only the owners or employers. The hours of employment and the regular payment of wages are always neglected—the payment of wages is particularly irregular in many presses. In some cases the employees do not get their salaries even after four months and hands are often discharged on flimsy grounds, and thus they lose all their arrear dues.

Sir, last year a question was put by Dr. Sen Gupta regarding the condition in Government presses, on the 23rd March, 1934. The reply of the Hon'ble Member was that the condition of the private presses was not quite so good as in Government presses. In Government presses the Hon'ble Member admitted that there were 10 or 12 cases of lead-poisoning, and the victims got compensation under the Workmen's Compensation Act. Sir, if the condition in Government presses be such, then can we expect the condition to be anywhere near the mark in private presses, such as the "Baptist Mission Press," "Forward" and other presses, where 80 per cent. of the employees suffer from lead-poisoning. But these people do not get any relief from the operation of the Factories Act, inasmuch as the Factories Department say that they do not generally come to know of any cases of lead-poisoning. These facts show the callousness of the department. As there is very little time left for the discussion of this subject and as I want to hear what the Hon'ble Member has to say in reply, I think that I had better conclude my remarks.

The Hon'ble Sir JOHN WOODHEAD: Sir, this time we are charged with "callousness" for not carrying out the inspections of presses in a sufficiently drastic manner. Rai Bahadur Satya Kinkar Sahana took the line that we were not sympathetic enough in our working of the Factories and Boiler Laws. It is rather difficult to reply to motions moved with exactly opposite intentions. But this time I have no hesitation in denying Mr. Banerji's charges. We are not "callous" as regards compliance with the provisions of the Factories Act. For instance, I recall the case of a printing press which came up before me about two years ago. The press shall be nameless, but in that case the Factory Inspection Department reported to me that they could not get the press to carry out the improvements the department considered essential; and it took me nearly eight months of hard work, repeatedly seeing the gentleman in charge of the press, before I succeeded in getting him to carry out the improvements that were necessary. I think that single instance shows definitely that the Factories Department are alive to their responsibilities and make heavy endeavour to ensure that the provisions of the Act are obeyed and that factories are places in which the workers can work under healthy conditions.

Sir, I oppose the motion.

(At this stage the time allotted for the discussion of this head was reached.)

The motion was put and lost.

Then the original motion that a sum of Rs. 2,22,000 be granted for expenditure under the head "37—Miscellaneous Departments," was put and agreed to.

(The Council was then adjourned for 15 minutes.)

(After Adjournment.)

41 and 60—Civil works.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 85,60,000 be granted for expenditure during 1935-36 under the head "41—Civil works and 60—Civil works not charged to revenue."

It will appear from the Budget estimates for 1934-35 that the estimated expenditure for voted items inclusive of establishment charges was Rs. 82,82,000, while the revised for that year has been reduced to Rs. 75,60,000. The amount, namely, Rs. 85,60,000, which the Council is now asked to vote, shows an increase of Rs. 10,00,000 compared with the revised estimate, which is mainly due to the following increased provision under "41 and 60—Civil works":—

41—Civil works—

	Rs.
Original works—Buildings	2,39,000
Road Development Fund—Works to be carried out by the Public Works Department	2,66,000
Grant-in-aid	2,97,000
Establishment	70,000
	8,72,000
60—Civil works	1,37,000
Total ...	10,09,000

Under the head "41—Civil works—Original works—Civil buildings," it is to spend Rs. 32,500 on works for Reserved subjects and Rs. 7,99,610 on works for Transferred subjects. The items of works are specified in the Civil Works Budget circulated to the members of the Council. The amounts provided as reserves for minor works under various departments are intended for works costing small amounts in connection with the buildings occupied by the various departments. These works are generally within the power of sanction of the respective heads of departments.

For communications under "41—Civil works," no provision has been made under "Reserved—Voted," while Rs. 6,42,146 which includes Rs. 6,01,500 for Road Development Fund works to be carried out by the

Public Works Department, has been provided under "Transferred." The items of works have been detailed in the Budget.

Under the head "Repairs," Rs. 2,88,000 is provided for Reserved Department and Rs. 35,42,000 for Transferred Department as compared respectively with the revised estimate of Rs. 2,90,000 and Rs. 35,50,000.

The grant required on account of establishment is Rs. 12,74,900 as compared with the Budget and revised estimates of Rs. 12,36,400 and Rs. 12,04,800 respectively. It will appear that the demand shows an increase of Rs. 70,100 compared with the revised estimate. The increase is due to a provision of Rs. 24,000 for recruitment to fill up vacancies in order to make up to a certain extent the shortage in cadres in the department, of Rs. 28,000 for meeting the cost of the special road development establishments (including Bridge Designer to the Government of Bengal) and the balance of Rs. 18,100 for annual increments, etc.

Mr. S. M. BOSE: I beg to move that the demand of Rs. 32,500 under the head "41A—Civil works—Reserved—Buildings—Civil works—New works" be reduced by Rs. 100.

Sir, I want to urge upon the Government the necessity for electrifying Government offices and courts in places where there is electric supply. There are altogether about 20 electric supply companies in Bengal, of which four are big ones. Of the remaining 16, only one or two companies like the Dacca, Chittagong and Barrackpur Companies, pay small dividends. The rest (13) find it difficult to make both ends meet, and I suggest that it is the duty of Government to help the struggling industries, especially those who are doing their best. Government can help them by taking electricity for their courts, jails and other public buildings. I am glad to find at page 103 of the Red Book that Government are spending Rs. 12,000 on this. I suggest that the amount should be more. The only argument may be that these companies are not efficiently run. What I suggest is that Government can ask the Electrical Adviser whether in a particular case the company is a safe concern and then act according to his advice. I want the Government to help these companies in the mufassal, especially when we are going to pass the new Electricity Act under which the rates are to be increased and which will thus throw a good deal of extra work on them. I suggest that Government might make it up by helping them in the way I have suggested.

Mr. J. D. V. HODGE: Sir, I am glad that Mr. Bose has raised this question. It is one to which Government attach great importance, not only from the point of view of the amenities to be given to their servants or to the public who frequent their buildings. They also realise fully the importance to Companies of securing Government as consumers of electricity, and they realise that without the Government load many Companies would find it difficult to make both ends meet.

The policy of Government in this matter was laid down in the end of 1930. It is that whenever a public supply is provided in a station or even when it is about to be provided, a complete list of Government buildings is made and estimates are prepared for each building and sent to the departments concerned for sanction. The rest is of course simply a matter of funds. At the present moment we have schemes for seven stations.

The House is well aware of the financial difficulties of the last two years, and I think members will be satisfied that these orders are not a mere pious wish when they consider that, in spite of the financial difficulty and at a time when the expenditure of the Public Works Department has been drastically curtailed, Government have continued making provision for electric installation—on a small scale, it is true, but the provision has been such as they thought that in the circumstances of the time they were justified in making. During the current year Rs. 12,000 has been voted for electric installation, to be spent at Comilla. In the Budget before the House there is provision for another Rs. 12,000, to be spent in three stations—Comilla again, Jalpaiguri and Asansol. It is true that Government have not so far been able to complete the installation in any one station. The work has had to be done piecemeal. This or that building has been chosen not so much on its intrinsic merits as with reference to the possibility of bringing it within the provision. This explains why in some cases residential buildings have been selected in preference to public buildings. As a matter of fact, it is no question of policy at all, but merely a question of making a small sum go the longest possible way. Government have taken the view that it is better and fairer to the province as a whole to distribute the sums available among several stations rather than to concentrate all the money on one favoured place, and I think the House generally will endorse that policy.

To sum up, Government are as anxious as the hon'ble member to see electrical installations in all public buildings throughout the province. They have made a start and during the last two years the money had been provided. The rate of progress is simply the rate at which money can be provided. In view of this explanation of the position I hope the hon'ble member will not think it necessary to press the motion.

Mr. S. M. Bose's motion was then, by leave of the House, withdrawn.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move that the demand of Rs. 27,000 under the head "41A—Civil works—Original works—Buildings—Administration of justice" be reduced by Rs. 100.

Sir, my object in moving this token cut is to draw the attention of Government to the inconvenience caused to the litigant public for want of waiting rooms in the mufassal courts. This is considered as a desideratum. Anybody who has experience of the mufassal civil and criminal courts—and there are very few persons who have nothing to do with law courts—will perhaps bear me out when I say that the absence of any temporary shelter is a genuine grievance of the litigant public. Sir, it is common knowledge that the public seeking justice in a court of law have to remain standing or to squat on the open compound under the "Great Vault of Heaven," under beating rain and the scorching heat of the sun for five or six long hours without any protection whatsoever. This is a deplorable state of things which calls for immediate redress. I know that the usual plea will be raised regarding paucity of funds and nothing will be done until the Finance Department can be made to realise the importance of the question. Nevertheless, I have the satisfaction of having done my duty in bringing the matter to the notice of Government. I do not wish to detain the House longer, but shall conclude by simply reiterating what I have already said before. I hope that the Hon'ble Minister or Member concerned will see his way to remove this public grievance.

With these words, I commend my motion to the acceptance of the House.

The Hon'ble Sir BROJENDRA LAL MITTER: I have every sympathy with the object underlying the motion, but I wish the House to realise that there is no more needy supplicant at the door-steps of the Finance Member than myself. I want money for my record-rooms. I want money for sheltering my stamp-vendors. I want money for quarters for our subordinate Judicial officers. Sir, I had myself been to Noakhali and seen that our Judicial officers there had no quarters worth speaking of. I want money for books for our courts. Sir, in many of our courts there are hardly any books for our Judges and the Judges have to rely upon the courtesy of the local Bar Libraries. I want money for all these things, and what satisfaction do I get from the Finance Department? They only shake an empty purse at my face. So I have developed the virtue of patience and I should advise my friend to do likewise and wait for better times.

Rai Bahadur Keshab Chandra Banerji's motion was then, by leave of the House, withdrawn.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 6,42,100 under the head "41A—Civil works—Transferred—

Communications" be reduced by Rs. 100 (administration of the Road Development Fund grants).

I want to draw the attention of the Government to the administration of the Road Development grants. Sir, so far as I know, last year the Hon'ble Minister gave us a hope that a Special Officer would be very soon appointed to make a comprehensive and co-ordinated scheme for the whole province and thereafter the several projects would be taken up as funds permit, one by one. I would, therefore, ask this question, as to what has been done in that direction? Secondly, I would like to draw the attention of the House as well as of the Hon'ble Minister to one aspect of the policy that is now being followed so far as the administration of the fund is concerned. No doubt, the construction of big interprovincial roads is quite necessary and any project framed in order to give effect to that policy may be quite laudable, but I would beg to ask whether a scheme like the construction of a luxury road from Darjeeling up to Calcutta is at all expedient in view of the fact that there are so many other urgent projects which cannot be taken up for shortness of funds. I do not know much of these things, but what appears to me is that the policy of the Government is the construction of roads like the one I have just alluded to. As I have already said, a road like that is perhaps a thing of great luxury, but whether we should go in for these luxury roads or for other necessary and urgent projects—that is the question which I would ask the Hon'ble Minister. I do not like to go into the requirements of any particular district. My own district has its own grievances in the matter, but if I raise that question now, everyone may perhaps come forward with a proposal for his own district; so I do not like to go into details, but would simply draw the attention of the House as to whether these schemes of luxury roads should be encouraged or whether more attention should be paid to other more necessary projects. With these words I commend my motion.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I rise to oppose the motion for the very simple reason that the grievances referred to by Maulvi Tamizuddin Khan are more or less imaginary. Sir, I have had something to do with the Provincial Road Board. I was a member of that Board for well-nigh three years, and I know how schemes are disposed of. The practice generally followed is this. In the first place district boards are asked to prepare schemes of road development in their respective areas and when projects are prepared, they are examined carefully by the Superintending Engineer and the Commissioner of the Division and ultimately forwarded to the Chief Engineer, Public Works Department. Every project thus sent up is subjected to thorough scrutiny before being considered by the Board. Every scheme, Sir, has got to be considered on its own merits and if

my friend Maulvi Tamizuddin Khan has any particular road in view, he may draw the attention to it not of this House, but of the District Board of Faridpur, his own district. Then, Sir, my friend has said that some "luxury roads" are taken up by the Road Board. This, I must say, is an admission of his ignorance of the real position. These road improvement schemes, as I have already stated, are very carefully and thoroughly examined by experts. The Provincial Road Board consists of expert engineers, chairmen of district boards and others who are competent to speak with authority on the subject and have practical experience of road work. Roads which are unnecessary in the public interest are not taken up. I do not think my friend the Maulvi Sahib can mention a single road which, although unnecessary, has been financed from the Road Fund. As a general rule roads which are parallel to railways and on which there is no motor traffic are excluded from the programme of road development.

I hope the Maulvi Sahib will withdraw his motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in reply to the query put by Maulvi Tamizuddin Khan as to what has happened to the proposal to appoint a Special Officer for making a comprehensive road development programme of this province I might inform the House that an officer was appointed last year and he has been carrying on the work. It will be some time yet before his work can be completed. The nature of the work is such as would require considerable time and touring, considerable calculation, and examination of several important questions from the point of view of communication, of the economic development of the area through which the roads pass, the question of waterways, and of health. The policy followed in accepting schemes for road development is that no road which is not of an interprovincial or interdivisional or interdistrict importance or no road which is not a feeder road is included in the list of projects for road development. Government of India pay us this money only on the condition that the Road Development Fund should be spent on roads of that description and not on village roads or roads of minor importance. As is well known to the members of this House, this money comes out of the pockets of motor car owners, and we have got to improve the roads for affording motoring facilities. The schemes are first placed before the Provincial Board of Communication, as it is now called which consists of five chairmen of district boards from the five divisions, representatives of the Automobile Association and of the Road Transport Association; officers of Government and representatives of the four railways. So this Board is a fully representative body consisting of representatives of various interests interested in the development of communications in this province, and it is on their advice that Government accept the schemes submitted to them by officers of their

departments or by local bodies. Mr. Tamizuddin Khan has referred to what he has called luxury roads, but I do not think, Sir, that up till now any road of that description has been taken up. The roads that have been or are being improved are the following, viz., the Grand Trunk Road, Diamond Harbour Road, Calcutta-Jessore Road, Comilla-Mainamati Road, Ghoshpara Road, Pabna-Ishurdi Road, Burdwan-Arambagh Road, Mymensingh-Tangail Road, Magura-Jhenida Road, Dacca-Narayanganj Road, Chittagong-Aracan Road, Illambazar-Suri Road, Krishnagar-Joguli Road. They are all important roads, and they certainly do not fall in the category of what Maulvi Tamizuddin Khan has described as luxury roads.

Maulvi TAMIZUDDIN KHAN: May I know, Sir, if it is the intention to take up such a scheme as the Darjeeling-Calcutta Road?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, it is intended to do so and that project is included in the next 5-year programme. It will open up very important areas in North Bengal which has got no means of communication at present. The hon'ble members must remember that economic development is one of the primary objects of road development. In East Bengal districts communication depends mostly on waterways, but in North Bengal and West Bengal roads are the only means of communication and there are certain areas from which agricultural produce find no market. The object of having the Northern Bengal Highway is not merely to give facilities to the motorists from Darjeeling to Calcutta but to open up that area which has at present absolutely no means of communication.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will this road be parallel to the railway?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, we cannot do so: the Government of India is very particular about that. We have got to avoid the railways in sanctioning schemes of road development because railroad competition must be avoided in any case. This road, if ultimately sanctioned, will pass through Jalpaiguri, Rajshahi, Dinajpur, and Pabna. The project is still under consideration and we have appointed a sub-committee consisting of railway representatives and representatives of the District Boards of Dinajpur and Rajshahi, they will decide what alignment should Government accept; in doing so Government would certainly pay special attention to the economic development of the particular area and not to the luxury of motorists

only. I hope in this view of the matter my friend Maulvi Tamizuddin Khan will withdraw his motion.

Maulvi TAMIZUDDIN KHAN: I beg leave of the House to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Rai Sahib AKSHOY KUMAR SEN: Sir, I beg to move that the demand of Rs. 83,35,000 under the head "41—Civil works" be reduced by Rs. 100 (shed for female witnesses near the civil and criminal courts at headquarters town of Faridpur).

We have just now heard the reply of the Hon'ble Member to the motion of Rai Bahadur Keshab Chandra Banerji regarding the absence of any provision for waiting-rooms for the litigant public in the mufassal courts. Now, Sir, I beg to submit to the Hon'ble Member the state of affairs in my district of Faridpur. In answer to a question of mine in the session before last, complaining that there were no sheds for female witnesses in the Faridpur Sessions Court the Hon'ble Member's reply was that there was ample space on the verandah of the court premises where witnesses could sit, but now I simply draw the attention of the Hon'ble Member to the case of *purdanashin* ladies who cannot afford to pay the cost of commission and are therefore compelled to appear before the Sessions or Civil Courts. In the absence of any sheds they have to loiter on the verandah and the open spaces. If Government will please screen off a portion of the verandah by means of wooden screens it would not cost them much. It might cost only a thousand rupees to put up the screens, and I think the Hon'ble Member will consider this suggestion and thus remove this inconvenience in the case of the female witnesses at least.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, the suggestion of the hon'ble member in the motion was that he wanted sheds to be erected for female witnesses near the courts. But now his suggestion is that a portion of the verandah of the court buildings be screened off for female witnesses. This, Sir, is quite a different matter. We could have looked into it and possibly the cost would have been insignificant and we might have been in a position to give him a more satisfactory reply. But his motion is for sheds to be erected. I cannot accept his motion. But I will remember his request and see if anything could be done in that behalf.

Rai Sahib Akshoy Kumar Sen's motion was then, by leave of the House, withdrawn.

The Hon'ble Nawab K. G. M. Faroqui's motion that a sum of Rs. 85,60,000 be granted for expenditure under the head "41—Civil work and 60—Civil works—Civil works not charged to revenue" was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 29th March, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 29th March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 80 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Halting station at Baligori on the Tarkeshwar Branch line.

*99. **Babu PREMHARI BARMA:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether it is a fact that a large number of representations have been received by the East Indian Railway authorities for the establishment of a halting station in village Baligori between the stations Bahirkhand and Tarkeshwar on the Tarkeshwar Branch line?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether any enquiry has been made by the Divisional Superintendent in the matter? If so, with what result?

(*c*) If an enquiry has already been made, will the Hon'ble Member be pleased to lay a copy of the report of the said enquiry on the table?

(*d*) Is the Hon'ble Member aware that the absence of a station in the said village is keenly felt by a large number of daily passengers and the general public who have to suffer much inconvenience, specially during the rainy season?

(*e*) Is the Hon'ble Member aware that for such a station it will not be difficult to have a free gift of land from the local people?

(*f*) Is the Hon'ble Member also aware that many people who carry on their business in Calcutta have been forced to leave their home and hearth and are staying in Calcutta at a cost much higher than a monthly ticket?

(g) Are the Government considering the desirability of moving the Railway authorities to establish, even as an experimental measure, a halting station at the said village Baligori at an early date?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John Woodhead): A halt was opened at Baligori in 1933 as an experimental measure, and three passenger trains were stopped each way. The arrangement continued in force for 6 months; but the earnings proved too low to justify its continuation and the halt was closed. Government do not consider that there are grounds for moving further in the matter.

Maulvi SYED MAJID BAKSH: Does the Hon'ble Member consider that six months' time is sufficient to give an indication?

The Hon'ble Sir JOHN WOODHEAD: Yes, Sir.

Scheduled Castes.

***100. Babu SATISH CHANDRA RAY CHOWDHURY:** (a) Will the Hon'ble Member in charge of the Appointment Department be pleased to state -

(i) since the publication of the provisional list of Scheduled Castes in the Government Resolution No. 122 A.R., dated the 16th January, 1933, how many castes so included in the provisional list have communicated their objections to the Government to such inclusion either through their caste associations or through individuals representing the castes and which are those castes; and

(ii) whether any of the castes which have so communicated their objections have been included in the list as published in the *Calcutta Gazette* of January 3, 1935, in Resolution No. 915 A.R. and recommended for inclusion in the Scheduled Castes to His Majesty's Government?

(b) If the answer to (a) (ii) is in the affirmative, will the Hon'ble Member be pleased to state—

(i) which are those castes so included in the recommended list in spite of protest and the reasons for such inclusions;

(ii) whether any castes were included in the list on the recommendations of the Divisional Commissioners or District Officers?

(c) If the answer to (b) (ii) is in the affirmative, will the Hon'ble Member be pleased to state—

(i) which are those castes;

(ii) whether such castes were consulted by them before sending in such recommendation;

(iii) whether the Government informed the castes objecting to the inclusion of the fact of rejection of their objection and the grounds of such rejection?

MEMBER in charge of APPOINTMENT DEPARTMENT (the

table.

(b) (i) *Vide* the statement laid on the table. The reasons for the inclusion of castes in the list are contained in the Government Resolutions No. 122 A.R., dated the 16th January, 1933, and No. 915 A.R., dated the 28th December, 1934. The protests against inclusion were considered with reference to the criteria which Government had adopted for inclusion, the requests received from the same castes for inclusion, the reports of Divisional Commissioners and District Officers and other materials in the possession of Government.

(ii) No. Divisional Commissioners and District Officers were consulted, but no caste was included on their recommendations alone.

(c) (i) and (ii) Do not arise.

(iii) Yes.

Statement showing the name of castes which protested against inclusion in the List of Scheduled Castes, referred to in the reply to starred question No. 100 (a).

Castes or tribes included in the provisional list which objected to inclusion, through caste associations or through individuals.—Bagdi, Bhuimali, Dhoba, Hadi, Jalia Kaibartta, Jhalo Malo or Malo, Kalwar, Kapali, Khandait, Konwar, Lohar, Mallah, Muchi, Nagar, Namasudra, Nath, Nuniya, Oraon, Pod, Pundari, Rajbanshi, Raju, Santal, Shagirdpesha, Sukli, Sunri.

Castes from which objections were received and which were included in the final list.—Bagdi, Bhuimali, Dhoba, Hadi, Jalia Kaibartta, Jhalo Malo or Malo, Konwar, Lohar, Mallah, Muchi, Namasudra, Nuniya, Oraon, Pod, Rajbanshi, Santal, Sunri.

Mr. S. M. BOSE: With reference to answers (a) and (b), will the Hon'ble Member be pleased to state whether it is a fact that the

Sutradhar community did not figure in the draft list of scheduled castes published by Government in the *Calcutta Gazette* of the 19th January, 1933?

The Hon'ble Mr. R. N. REID: Yes, Sir, that is correct.

Mr. S. M. BOSE: Has the Hon'ble Member received a memorial from some members of the Sutradhar community protesting against being included in the list of scheduled castes published in the list; and, if so, what steps has the Government taken in the matter?

The Hon'ble Mr. R. N. REID: Government received a memorial asking for exclusion.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member in a position to inform us whether the Lodhes of East Bengal are a scheduled caste community?

The Hon'ble Mr. R. N. REID: Yes.

Babu JITENDRALAL BANNERJEE: Has the Hon'ble Member received any representation from the Lodhis and Lodhas saying that they must not be confounded with the Lodhes?

The Hon'ble Mr. R. N. REID: Yes, Sir.

Babu JITENDRALAL BANNERJEE: Has the Hon'ble Member taken any steps to mark the distinction between the three communities?

The Hon'ble Mr. R. N. REID: Yes, Sir.

Babu AMULYADHAN RAY: Is the Hon'ble Member aware that these objections are not genuine?

The Hon'ble Mr. R. N. REID: Whose objections?

Babu AMULYADHAN RAY: Sir, I mean the objections to be included in the scheduled castes.

(No reply.)

Babu KHETTER MOHAN RAY: What are the criteria on which Government have included particular castes in the scheduled list in spite of their protests against inclusion?

The Hon'ble Mr. R. N. REID: The criterion is set out in paragraph 1 of the Resolution of the 28th December, and the list was drawn up on the basis of social and political backwardness of the castes, and the necessity of securing special representation for them in order to protect their interests.

Babu AMULYADHAN RAY: Is the Hon'ble Member aware that the *Hindu Mahasabha* is responsible for those bogus objections?

(No answer.)

Mr. S. M. BOSE: As regards the memorial received from the Sutradhar community, what steps have Government taken in the matter?

The Hon'ble Mr. R. N. REID: Exclusion has been recommended.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether any objection was received from the All-Bengal Association of Kaibartas to the inclusion of their names in the list?

The Hon'ble Mr. R. N. REID: I must ask for notice of that question.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Tauzi No. 200 of the Rangpur Collectorate.

51. **Mr. SHANTI SHEKHARESWAR RAY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether Tausi No. 200 of the Rangpur Collectorate was attached under section 99 of the Cess Act?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) whether that tausi belonged to the Kasimbazar Raj Wards Estate and was under Court of Wards during the attachment under section 99;

(*ii*) what was the period of attachment;

(*iii*) what is the annual rent demand of the tausi;

(*iv*) what is the total amount collected during the period of attachment under section 99;

(*v*) how many certificates were filed during the period of attachment against the direct tenant of the estate or against under-tenants;

(*vi*) what would be the percentage of the cost of collection during the period of attachment; and

(*vii*) what is the average percentage of the cost of collection in the Wards' Estates and in khas mahals?

(*c*) Is it a fact that some estates in the district of Rangpur were released from the management of the Court of Wards and attached under section 99 for the recovery of arrear land revenue, cesses and the costs of management?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state the arrears of land revenue and cesses for the period for which they were in arrears?

(*e*) What is the result of attachment and the present position of the estates in regard to the arrears of land revenue and cess?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes.

(*b*) (*i*) Yes.

(*ii*) 1st August to 10th December, 1934.

(*iii*) Rs. 5 lakhs approximately.

(*iv*) Rs. 10,03,564.

(*v*) No certificates were filed against the direct tenants of the estate. Fifty-three certificates were filed against under-tenants.

(*vi*) 4 per cent. approximately on gross collections.

(*vii*) 8·5 in the Wards Estates and 4·5 in khas mahals.

(*c*) Yes.

(*d*) Rs. 1,00,061-15-9 excluding interest.

(*e*) Since the attachment Rs. 63,395 have been paid towards arrear land revenue and cesses with interest, and Rs. 42,159 towards current land revenue and cesses. The estates are expected to be released by June next.

Detenus in the Hijli Detention Camp.

52. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state the total number of detenus now in the Hijli Detention Camp?

(*b*) Is the Hon'ble Member aware that the detenus of the said Camp have been wholesale restricted to write to or receive letters from their parents or other relations?

(*c*) If the reply of (*b*) is in the affirmative, why and how long the detenus have been put under such restrictions?

(*d*) Who is the authority that puts such restrictions?

(*e*) Were the local Government consulted before the restrictions were put?

(*f*) Do the local Government realise that such wholesale restrictions cause great hardship on detenus and their parents and other relations?

(*g*) Do the local Government contemplate holding any enquiry into the matter?

(*h*) Are the local Government considering the desirability of making any enquiry in future before any such wholesale restrictions are imposed?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) 318 on 11th March, 1935.

(*b*) and (*c*) Detenus of the Camp were deprived of the privilege of receiving or writing letters for a period of two months from the 19th January, 1935, except such as related to their admission to examinations. The punishment was imposed for disorderly conduct and breach of orders.

(*d*) The Commandant of the Camp.

(*e*) and (*f*) Yes.

(*g*) No.

(*h*) Government are informed if and when such action is taken.

Mr. SHANTI SHEKHARESWAR RAY: With reference to answers (*b*) and (*c*), will the Hon'ble Member be pleased to state whether the relatives of the detenus were informed about the imposition of this restriction?

The Hon'ble Mr. R. N. REID: Probably not, Sir.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state the nature of the orders disobeyed by the detenus?

The Hon'ble Mr. R. N. REID: They are reasonable standing orders of the camp.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state how many detenus disobeyed these orders?

The Hon'ble Mr. R. N. REID: I must ask for notice of that question.

Mr. SHANTI SHEKHARESWAR RAY: With reference to answer (*a*), will the Hon'ble Member be pleased to state if Government propose to release any of the detenus in connection with the Silver Jubilee celebrations?

The Hon'ble Mr. R. N. REID: No, Sir.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1935-36.

DEMANDS FOR GRANTS.

43—Famine relief.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,00,000 be granted for expenditure under the head "43—Famine Relief."

Mr. P. BANERJI: Sir, I consider that this provision of one lakh of rupees is quite inadequate for the purpose. Advances for this purpose are made to the district boards for test relief work and for gratuitous relief. So far as the districts of Birbhum and Murshidabad are concerned, there are about 16,000 men working there, and even at the rate of two annas a day, it works out at Rs. 2,000 a day, and the expenditure at that rate comes to Rs. 60,000 per month. If Government wants to give work for relief purposes at least for three months, namely, April, May and June, the expenditure will come up to Rs. 1,80,000. Then there is gratuitous relief which is generally given to the crippled, the disabled and those who are unfit for work as also to poor *bhadralok* people, who cannot do any manual work. It will thus be found that Rs. 1 lakh is not even one-third of the expenditure that should be incurred for giving adequate relief. I, therefore, consider that this sum of Rs. 1 lakh is quite inadequate for the purpose.

Babu JITENDRALAL BANNERJEE: Sir, while agreeing with Mr. Banerji that the demand is too modest, I cannot let this opportunity pass without expressing heartfelt thanks of the affected areas for all the assistance that they have been receiving from Government. The districts of Birbhum and Murshidabad and part of Bankura—these are the districts which were specially afflicted by famine conditions this year. Necessity for relief became apparent some time in the middle of October, and since then this relief has been conducted partly, if not wholly, with the assistance of Government, and there has never been any stint, lack or hesitation in the matter of offering assistance.

Whenever the district boards have demanded money for the purpose of carrying on relief work, they have had the money in ample abundance and to the fullest extent, and for this assistance I cannot but express the heartfelt thanks of the people of the afflicted areas.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, hon'ble members know that when there is a scarcity in any district, it is the primary duty of the district board to cope with it, and when the funds of the district board are not adequate, they come to Government for assistance. Though one lakh of rupees may be inadequate to cope with the situation, there are the funds of the district board. As for gratuitous relief, as hon'ble members are aware, at times of scarcity, private bounty passes all bounds, and everyone comes to the help of their needy fellows. It will therefore be seen that there are various sources from which relief is obtained.

The Hon'ble Sir John Woodhead's motion was put and carried.

45—Superannuation allowances and pensions.

60B—Commuted value of pensions not charged to revenue.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 62,41,000 be granted for expenditure under the heads "45—Superannuation allowances and pensions" and "60B—Commuted value of pensions not charged to revenue."

MOTIONS FOR REDUCTION.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I beg to move that the demand of Rs. 43,000 under the head "45—Superannuation allowances and pensions—Equated payments of commuted value of pensions charged to capital" be reduced by Rs. 100.

Sir, my intention in moving this motion is to draw the attention of Government to the most inequitable method which now prevails about commutation of pensions. The other day, in answer to a question, the Hon'ble the Finance Member said that the last application for commutation which was granted was one which was made in the year 1929, and applications for commutation of pensions were being granted chronologically by turns. It seems, therefore, that applications are pending for the last six years. Government are aware that in cases

of commutation, delay means so much loss to the applicant—the more the delay there is in granting a commutation, the lesser is the amount which the applicant gets.

Sir, pensions are really deferred pay, and when an officer retires after a certain period of service, he gets so much pension towards which during all his service he has contributed. If an officer is transferred to a foreign service, the foreign office contributes one-fifth of his pay towards pension. We have found in actual practice that many officers who had served practically the whole of their lives in Government service died soon after retirement without getting any pension at all, and their children and wives left quite unprovided for. It is really very iniquitous that one officer serving Government for 30 years, lives to draw his pension for another 20 years which is enjoyed by his family, while another who also serving Government for the same period of 30 years dies soon after his retirement, and his family is reduced to starvation; the families of both these officers ought to be equally benefited. Sir, there was a movement some years ago when many of the officers requested Government to alter the pension rules and there was a desire—almost unanimous desire—amongst them that provident fund should be substituted for pension. In the case of the provident fund, one gets exactly what one has earned, and if a man dies after 25 years' service, he gets just so much as his own saving and some amount contributed by the employers. If a man dies in harness, in the case of provident fund sources, his children get something, but in the case of pensionable service, his children get nothing. Sir, if an officer dies just when he is on the verge of retirement, he leaves his family absolutely unprovided for.

As, however, it is not possible to alter the pension rules in a hurry, the next best course is to get a part of the pension commuted so that even after the death of an officer, his family may have some sort of a provision. Further, in the case of ministerial officers, when they retire, they do not have enough money generally to buy a house or build one in which they can live in retirement. It is for this purpose generally that such officers after retirement apply for commutation of a portion of their pensions so that with the money they get they can build a house to live in, and if the commutation is granted promptly, it is a case of relief to them. But as it happens, there is so much delay that by the time the application is sanctioned, the health of these men often breaks down or the purpose for which the commutation was prayed for no longer exists, and, therefore, the grant of the commutation of pension becomes of no use. What I suggest is that larger amounts should be provided in the Budget for this purpose. In the case of commutation of pension which is obligatory, the retired officers get their commutation very promptly, but the people who need such money most are those who suffer and in whose case there is so much delay.

Sir, I, therefore, move the motion in order to draw the attention of the Government to the hardship which prevails with regard to commutation of pension. Sir, this delay is felt as a real grievance by the officers of Government. With these words, Sir, I commend my motion to the acceptance of the House.

MUNINDRA DEB RAI MAHASAI: Mr. President, Sir, I rise in support of the motion moved by my friend Khan Bahadur Abdul Momin. Under the rules promulgated by the Secretary of State in Council to regulate the commutation of civil pensions in 1925 the Government servants are classed under two categories for the purpose which are broadly divided on the same principles as their pay is "non-voted" or "voted." The former class of officers are entitled to commute their pension, while in the case of the latter no such right exists—in the case of this class of Government servants the sanctioning authority may, on such conditions as it thinks fit to impose, sanction commutation. In both cases the commutation is not to exceed one-half of pension.

Provision for the purpose is made in the Budget under "60B—Payments of commuted value of pension (Reserved)" for both the classes of officers. The expenditure is not charged to revenue and is financed from loan taken from the Government of India, whilst the expenditure on account of superannuation allowances and pensions is met from provincial revenues. It will thus appear that with an increase in the provision for commutation of pension there will be a corresponding reduction in the expenditure on account of grant of superannuation pension which constitutes a heavy burden on the already overburdened provincial revenues. It is also worth mentioning that the "voted" provision made in the Budget for payments of commuted value of pension includes provision for obligatory payments to Government servants whose pay is voted but who though not members of the services whose members are entitled to commutation, hold posts borne on the cadres of any of those services. Consequently, a substantial portion of the voted provision for payments of commuted value of pension is earmarked for such obligatory payments whilst a comparatively small residue is really available for those Government servants payment in whose case is not obligatory.

The inevitable result has been a heavy accumulation of applications for commutation from the latter class of officers and practically a deadlock has been created, inasmuch as those who made their applications dating back from 1930 and whose names have been registered in order of priority have been kept on the waiting list for these five years, and it is evident that if the present policy of making inadequate provision in the Budget is adhered to pensioners will not as a rule get the benefit of the concession within at least five to six years from the date of their retirement if not more. The benefit accruing from the concession will therefore be more chimerical than real.

This policy of Government has been the cause of serious hardship and a source of grave discontent among the large body of pensioners who after rendering loyal service for the best part of their life found themselves practically barred from reaping the benefit of receiving a commuted value of their pensions and thus denied a comfortable living on retirement. Their sense of disappointment is most poignant in view of the fact that their conferers in the sister provinces of Assam and Bihar and Orissa, not to speak of those serving under the Central Government, are treated very sympathetically. They are usually allowed commutation of pension almost immediately after their retirement.

Government should make a lump provision in the Budget at once to cover all the outstanding applications and increased provision in future years to meet such applications. There should be no reason why Government should not borrow for the purpose. The existing borrowing rate is small (3¼ per cent. for non-remunerative loans) and it is to the advantage of Government to reduce the heavy pensionary charges which fall on the provincial revenues by a liberal policy of granting commutations the expenditure on which is not charged to revenues. (For example, if a loan of five lakhs is taken at say 4 per cent. for 15 years the annual equated payment of principal and interest will be Rs. 45,000, while the amount of pension reduced will be Rs. 5,000 per month or Rs. 60,000 per annum). It is true that this is a deficit province, but payment of interest on loan for the purpose is by far a better policy than meeting heavy pensionary charges from the provincial revenues and thus over-burdening the depleted revenues. Moreover, when Government have to borrow for meeting the "non-voted" and "voted" obligatory charges on account of commutation there is no good reason why Government should be unwilling to help others in a similar way. A glance at the Loans Budget will show that Government have already taken heavy loans from the Government of India and it is not understood how the addition of several lakhs will affect them. Although the loan may not be remunerative, it is a fact that interest is included in the commuted value.

It is, therefore, suggested that Government—

(1) take a loan of lump sum to meet the outstanding applications; and

(2) increase the provision in future years for the purpose.

Pending necessary provision of funds *ad interim* action may be taken to relieve the situation by allowing commutation of one-fourth of pensions in the first instance and the balance of one-fourth later on. This practice is, it is understood, followed in Assam.

Priority may also be given to small pensioners the full commuted value of whose pension does not exceed Rs. 5,000 as well as to officers who have been compelled to retire as a result of retrenchment. These latter class of officers deserve special consideration.

The Hon'ble Sir JOHN WOODHEAD: Sir, I should like to intervene at this stage, as by doing so I believe the discussion may be considerably shortened. Khan Bahadur Abdul Momin described the system as inequitable. I do not agree with him, Sir. We grant commutations strictly in the order of the receipt of the application, and as commutation is a concession, I cannot agree that mere delay in granting commutation, though that delay may be regrettable, amounts to inequity. Again, I am not prepared to agree with the view that delay in granting commutation necessarily involves hardship, for I know of several officers—I have several in my mind at the present moment—who, having commuted their pensions, lost the money so obtained by unfortunate investments. Sir, there are two sides to this question of the commutation of pensions. Some officers may invest the money soundly and retain it, but some on the other hand may and certainly do lose it. Sir, pensions have, it is true, often been described as deferred pay, but I cannot agree with the argument that a person is entitled as of right to this deferred pay in advance. But all these observations are by the way. I will now come to the main point I wish to make.

When we examined the question in 1932-33 we found that if we borrowed we would lose considerably on commutations. The reason for that loss was that the rate of interest we had to pay at that time on borrowed funds was 6½ per cent., whereas the commutation table was based on a 5 per cent. basis. At that time it was calculated that for every lakh spent on the commutation of pensions at the age of 55 we would be involved in an ultimate total loss of Rs. 22,000; and for every lakh spent on the commutation of pensions at the age of 60 the ultimate total loss would be Rs. 33,000. In these circumstances, having regard to our financial position, we came to the conclusion that we could not afford to borrow in order to enable all officers who chose to apply, to enjoy this concession. We have, however, examined the matter again recently. The rate of interest we have to pay on loans is now much lower—3¾ per cent.; the rate of interest adopted for the commutation table is 4¼ and on that basis our loss will be practically nil. At the age of 58 we shall lose about Rs. 60 over the whole period of the loan; at the age of 60 the loss will be Rs. 1,422; and at 55 we shall make a small profit of about Rs. 1,000—very few officers however commute at the age of 55.

In these circumstances, we have decided to apply to the Government of India for a loan of Rs. 10 lakhs, and if that loan is sanctioned and this Council during the rains session passes a supplementary demand for that amount, pensions will be commuted this year to the additional amount of Rs. 10 lakhs. We will review the position later in the year with a view to determine whether we should borrow a further amount in the year 1936-37. Sir, with this assurance perhaps the mover will withdraw his motion.

Khan Bahadur Muhammad Abdul Momin's motion was then, by leave of the House, withdrawn.

Mr. NARENDRA KUMAR BASU: I beg to move that the demand of Rs. 4,57,000 under the head "60B—Payment of commuted value of pensions" be reduced by Rs. 100 (policy regarding commutation of pensions).

Sir, I want to move this motion in order to draw the attention of the House to the very huge increase in the expenditure so far as pensions and commutation of pensions are concerned. I would first draw the attention of the House to the Budget from which it will be seen that the total amount paid for superannuation allowance and commuted pensions financed from ordinary revenues is Rs. 62,14,000 and the sixth highest Budget figure of Rs. 67,64,000 out of a total expenditure of Rs. 11,70,00,000. At the Public Accounts Committee the attention of the Government was drawn to the fact with a view to see whether any other policy might not be evolved so that this expenditure from the general revenues may be curtailed.

The Hon'ble Sir JOHN WOODHEAD: It is true, Sir, that our pension bill is rapidly mounting. I could not anticipate the points which Mr. Basu would raise and therefore I am not in a position to give a detailed reply to his queries. I think, however, the increase is partly due—I am speaking subject to correction—to the fact that in 1921 all pensions payable in England were borne by the Government of India. That arrangement was, however, changed with the introduction of the Reforms in 1921, and pensions payable in England accruing since that date in regard to officers serving under the Provincial Governments are a charge on provincial revenues. In regard to these pensions, therefore, there has been a gradual shifting of the burden from the Central to the Provincial Governments. But the increase is also largely due, I should say chiefly due, to the fact that in 1921-22 the salaries of officers of the Provincial and Subordinate Services were raised very considerably. The percentage of increase in some cases was as much as 60 per cent.; this was in the lower

grades. And that increase in salary has naturally and inevitably been accompanied by an increase in the pensionary charges. Unfortunately we do not appear to have reached the peak of that increase. A few years ago I hoped we had. But during the last two or three years the increase has continued, and I cannot say when it will stop. It is a disturbing factor in our finances, but the expenditure is an obligatory charge which we must meet.

Mr. Narendra Kumar Basu's motion was then, by leave of the House, withdrawn.

The original motion of the Hon'ble Sir John Woodhead was then put and agreed to.

46—Stationery and printing and Depreciation Fund—Government Presses.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 19,54,000 be granted for expenditure under the head "46—Stationery and printing and Depreciation Fund—Government Presses."

MOTIONS FOR REDUCTION.

Mr. P. BANERJI: I beg to move that the demand of Rs. 7,11,500 under the head "46A—Stationery and printing—Government Presses—Bengal Government Press" be reduced by Rs. 100 (granting lighter works to older hands).

Sir, year after year I have brought to the notice of Government the grievances of the workers in the Bengal Government Press. I also pointed out that the state of affairs in the Bengal Government Press is not what it should be. The Hon'ble Sir John Woodhead said that the three systems of work obtaining there have been working very satisfactorily. He particularly mentioned about the apprentice system. But I submit that this apprentice system has affected those who are working there for a long time either on salary basis or on piece-work basis. The Hon'ble Member, however, said that the object of introducing the apprentice system was to educate and to train young men in every branch so that they might be qualified to take up the work of superior posts.

The Hon'ble Sir JOHN WOODHEAD: I think, Sir, Mr. Banerji is speaking on motion No. 714.

Mr. P. BANERJI: No, Sir, I am speaking on motion No. 711, but I am mentioning the apprentice and piece establishments in order

to show that the introduction of apprentice system has affected the men who have been in the service for a long time either on salary or piece-work basis. I wish to bring to the notice of the Hon'ble Member that lighter work is not given to the older men who are in service for a long time. There is another remark I have to make, and that is that these apprentices do not work properly and the major portion of their work is in connection with the arrangements of sports. Therefore, the apprentices do not do full justice to their duties. Another thing is that originally the Press employees had to attend at 9 a.m. and were allowed to leave office at 5-30, and they were allowed 15 minutes' grace, that is, they could come to their work at 9-15. But recently that has been stopped and these men now have to attend punctually at 9. Another difficulty on the part of the Press employees is that they have now to go to Alipore on account of the Press being transferred there. So, that question was also raised, and, particularly, for this reason a grace of 15 minutes was given to these men. Now, Sir, this Government Department have entirely forgotten about it and are trying to take away this concession of 15 minutes. In the case of the employees of the Press it is a great hardship as they have to travel a long distance to go to the Press which is situated in the southernmost part of Calcutta. In consideration of the fact when the Press was removed from Writers' Buildings to Chetla that the concession of 15 minutes time attendance was granted. But they find that this concession is now going to be taken away from them. I, therefore, bring it to the notice of the Hon'ble Member that it is not right that these employees who have worked, in some cases, for 25 to 30 years, should be deprived of this concession of 15 minutes.

Sir, with these few words I commend my motion to the acceptance of the House.

The Hon'ble Sir JOHN WOODHEAD: Sir, I find it extraordinarily difficult to grasp the arguments used by Mr. P. Banerji. The men in the Bengal Government Press are, in my opinion, the best paid of any men employed in any Press in Calcutta. They work under conditions which compare very favourably with those existing in the very best private Presses in Calcutta. If Mr. P. Banerji, who, I believe, is interested in Labour, would only direct his attention to the conditions prevailing in the other Presses in Calcutta rather than to the Government Press at Alipore, where the conditions of service and the rules regarding leave, salary, and pension are extraordinarily good—he will find that these conditions compare very favourably with those in other Presses—he would be rendering better service to the general community.

Sir, as regards the aged workers, I might tell the House that this matter was considered by a Committee appointed in the year 1926;

that Committee recommended that the older piece-workers should, if they desired, be put on lighter kinds of work in which their experience would enable them to make up for their failing skill. Orders were, accordingly, passed that the older hands should, as far as practicable, be put on hour work. That order is being carried out to-day; and I do not think that these older hands have any grievance at all.

Then, Sir, as regards the 15 minutes' concession regarding the starting of work at 9 a.m., I believe that the hours of work in the Government Press are only 8, with 5 hours on Saturdays. That, Sir, is certainly not a very heavy week's work; it is a very favourable week. I also believe that this 8-hour day includes half an hour off for meals; so the hours are certainly not excessive. Up to recently the men were allowed to arrive at the Press 15 minutes late without any penalty. Unfortunately, experience has proved that this concession instead of being regarded as a "concession" has become a regular practice, with the result that the Press, instead of starting work at 9 a.m., starts work at 9-15 a.m. We cannot afford to waste this period of 15 minutes, and there is no reason why this period should be wasted. The concession has, therefore, been withdrawn.

Sir, I oppose the motion.

Mr. P. Banerji's motion was then put and lost.

Mr. K. C. RAY CHOWDHURY: Sir, I beg to move that the demand of Rs. 7,11,500 under the head "46A—Stationery and printing—Government Presses—Bengal Government Press" be reduced by Rs. 100 (figures of expenditure on salaried, piece and apprentice establishments respectively).

Sir, the conditions under which the Press employees of the Bengal Government work have been discussed and debated in this House on many occasions, and I must say that Government have done their level best to remedy some of the grievances in these hard days. They had a Committee in 1926; that Committee collected information, submitted a lengthy report, and the work in the Bengal Government Press is carried on according to the recommendations of that report. But still, I must confess, that there are grievances here and there—especially in the case of the piece-workers. Sir, this question of the piece-work *versus* time-work is a very, very difficult one. From the point of view of some employers time-work is preferable, but Government think that piece-work is a better system, inasmuch as it shows the outturn of work done and the money that is spent on such work. Government run the Press on business lines. I fail to see why, if the time-system is good enough for private Presses, Government should not adopt the same course. The question of lino operators was discussed in this House on the 10th February, 1928, and a resolution was

carried in this House recommending to Government to put these men on a salary basis. Again, on the 18th August, 1928, a resolution to the same effect was also passed by this Council. Government did not, however, give effect to these recommendations for certain reasons. I had a talk with the Manager of the Government Press at Alipore, and I was not satisfied with the reasons he gave for still maintaining the lino operators on the piece system. I, therefore, appeal to Government to have an enquiry made as to the reason why, when private employers find it paying for them to run their Presses on non-piece system—*i.e.*, on time-work system—Government should not abolish the piece system and introduce the time-work system.

Sir, with these few words I commend my motion to the acceptance of the House.

The Hon'ble Sir JOHN WOODHEAD: Sir, the question of piece-rates is a very old one. Government have always employed operators on piece-rates and we intend to follow that practice. I have before me a statement showing the average earnings of piece-workers. The lino operators, in 1934-35—on the basis of 11-months' figures—earned on an average Rs. 137-9; in 1933-34, Rs. 133-15; in 1932-33, Rs. 134-8; in 1931-32, Rs. 122-3; for the two previous years, viz., 1930-31 and 1929-30, the earnings were less, viz., Rs. 113-7 and Rs. 106-12, respectively. Now, Sir, I would ask Mr. Ray Chowdhury to say whether these earnings are less or more than those which lino operators earn in private Presses: I cannot say from personal knowledge whether they are less or more, but I believe—and my belief almost amounts to a certainty—that these wages are higher than what a person earns in private Presses. As I have said in my reply to the previous motion, our employees in the Alipore Press enjoy many concessions, such as pensions, holidays, and other amenities which are not enjoyed by employees in private Presses. I can certainly say that we offer more pay than is offered in the private Presses in Calcutta.

Mr. P. BANERJI: On a point of information, Sir. Will the Hon'ble Member be pleased to state why on page 322 of the Civil Estimate the item of Rs. 2,80,000 is not shown separately?

The Hon'ble Sir JOHN WOODHEAD: Because the Accountant-General does not keep the accounts separately.

Mr. K. C. Ray Chowdhury's motion was put and lost.

Mr. P. BANERJI: Sir, I beg to move that the demand of Rs. 7,11,500 under the head "46A—Stationery and printing—Government Presses—Bengal Government Press" be reduced by Rs. 100 to discuss the system of raising funds for the Sporting Club.

Sir, this is another hardship to the piece-workers and those that are not willing to take part in the sports run by the Club there; I mean the Sports Club of the Bengal Government Press. The Government of Bengal pay a certain sum, and, of course, the object is a very laudable one, inasmuch as it affords some relief to those who have spare time to devote to sports. But what happens is that the apprentices are given jobs only on account of their possessing sporting qualifications, as we have so often submitted to the Hon'ble Member. These apprentices seldom do their work, but devote most of their time in making arrangements for sports. (RAI BAHADUR KESHAB CHANDRA BANERJI: "Question.")

Now, Sir, it so happens that the piece-workers cannot join the sports, and even if they are allowed to go and join them, they run the risk of losing their jobs and earning less on account of less outturn of work. The Hon'ble Member has just now said that in the Government Press the men enjoy concessions which cannot be compared with those obtaining in the private Presses. It is quite true that Government give pensions, holidays, and a rate of pay which ranges from Rs. 35 to Rs. 60. But, in spite of all these, things do not look brighter so far as the piece-workers are concerned. It was suggested by them that they should be allowed to contribute subscriptions for some other purpose, say a library, so that they might get some benefit out of it; but that was denied to them. What they object to, Sir, is the system of compulsion which has been introduced. At the time of payment a deduction is made on account of subscription for the Sports Club, which in many cases they cannot afford and which they resent. As I have said, Sir, sportsmen, who are appointed apprentices, manage these sports matters. These piece-workers have brought their grievances several times to the notice of the higher authorities, but in vain. Therefore, Sir, I want to bring this matter to the notice of the Hon'ble Member, so that he might kindly see that no compulsion is used in regard to the raising of funds for the Sports Club.

With these words, Sir, I commend my motion to the acceptance of the House.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I am surprised to find that my friend Mr. P. Banerji should raise a question like this. I am afraid none but those who are sportsmen will appreciate his arguments. He finds fault with the practice of raising funds for the Sports Club of the Bengal Government Press. The idea of organising sports among the officers and employees of the Bengal Government Press is to give them some scope for recreation and relaxation outside their working hours. The mover says that though the piece-workers have no means of enjoying these sports, they

are compelled to contribute to the funds of the club. Need I remind him that students of all colleges and schools have got to pay a sports fee for the athletic section, no matter whether a particular student or a group of them takes part in the sports. But the idea is to organise sports—healthy recreation for the employees after their arduous work. He says that some other sort of recreation should be provided for them, namely, libraries. Libraries will hardly furnish them with any opportunity for physical exercise. That will frustrate the end that the Government have in view. If the piece-workers have any sporting spirit in them, they can join the club and participate in the games that are organised under the auspices of the Bengal Government Press Club. May I cite one instance? If this House were to organise an athletic club of their own, certainly Mr. P. Banerji who has no sporting instinct in him would not be selected to participate in any football or cricket match! It is those who have an aptitude for sports will be chosen to take part in it. So, it is difficult to arrange for different sorts of recreation for different classes or groups of officers. Mr. Banerji's criticism is, therefore, absolutely futile. There is nothing wrong in the present system. Sports form an important item of recreation in human life and the employees of the Bengal Government Press are no exception to this rule. I, therefore, oppose the motion.

Mr. K. C. RAY CHOWDHURY: Sir, nobody in this House will question the good motive of the Superintendent to encourage sports and physical fitness. In the Government Press modern young men join the sports as they love sports, but the old hands with old ideas grumble! Therefore, I would request the Hon'ble Member to provide some kind of relaxation for the older sort of people who have not got the modern idea of physical culture and sports.

The Hon'ble Sir JOHN WOODHEAD: Sir, Mr. Banerji persists in maintaining that apprentices are appointed because they are good sportsmen. I have a list here of the 47 apprentices employed in 1934. These 47 include such names as Lakhi Narayan Datta, Abdur Razzaque, Manindra Nath Ghosh, and D. J. Cesary. They include Muhammadans, Hindus and Anglo-Indians. To suggest that all these were appointed on the ground that they were good at sports seems to me to be suggesting the impossible. The Sports Club is governed by certain rules. According to those rules it is perfectly clear that the subscriptions are optional. Further, the rules provide that a member may resign by writing to the Honorary Secretary of the Club. I have been assured by the Superintendent that no complaint has been received as to the running of the Sports Club, and from experience extending over ten years of the employees of the Press, I am quite certain that if anybody had a grievance, he would not fail to give expression to it. During

the last two years, I have attended the Annual Sports of the Press on the maidan, and I would advise the members of this Council to attend this function next year and see how well it is attended, how many entries there are, and the enormous amount of labour that the Superintendent and his staff, both European and Indian, spend and the time they devote towards making this annual function a success. But of course the Sports Club is not concerned only with the annual sports meeting. There are facilities in the compound at Alipore for those who wish to play and the club has succeeded in obtaining the privilege of using a portion of the maidan. It has been said that the piece-workers are not allowed to leave their work in the same way as the salaried hands are, to engage in games. I have not made an enquiry on that point, but I am sure that the Superintendent would never allow any of his hands, whether piece or salaried, to leave before the appointed time. I oppose the motion.

Mr. P. Banerji's motion was then put and lost.

Mr. P. BANERJI: I beg to move that the demand of Rs. 7,11,500 under the head "46A—Stationery and printing—Government Presses—Bengal Government Press" be reduced by Rs. 100.

Sir, the object of my moving this motion is just to discuss the apprentice system in the Bengal Government Press. This apprentice system, we consider, has been very unwelcome to the other workers of the Press, both salaried and piece-workers. Sir, the Hon'ble Member has given us some 47 names, but so far as I am informed there are 65 paid apprentices on a salary ranging from Rs. 35 to Rs. 65. There is no definite rule regarding qualifications or conditions of service with regard to these men. Although they are shown as piece-workers, they stand on a par with the salaried hands. We raised this question last year also——

(At this stage the time-limit for the discussion of the demand was reached and the member had to resume his seat).

The motion was then put and lost.

The original motion of the Hon'ble Sir John Woodhead that a sum of Rs. 19,54,000 be granted for expenditure under the head "46—Stationery and printing and Depreciation Fund—Government Presses" was then put and agreed to.

47—Miscellaneous.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 19,70,000 be granted for expenditure under the head "47—Miscellaneous."

Mr. SHANTI SHEKHARESWAR RAY: Sir, I think it will be appropriate if I raise the question of the detenus, persons who have been detained without trial by the Government of Bengal, in connection with this demand. In the absence of details, it is very difficult to ascertain how much the Government of Bengal propose to spend on these detention camps and how much the Government of Bengal intend to spend on the maintenance of the army in Bengal. Well, the Hon'ble Sir John Woodhead has become wiser this year. He has refrained from giving us any information on the point as to whether any sum is included under this head for the maintenance of the army in Bengal. Last year we found that he had allotted a few thousand rupees on that account. I raised an objection. I do not know whether he has been convinced of the justice of my suggestion that no part of the Government of Bengal money should be devoted towards that end. Anyway, as this is the head under which money is allotted usually, though unconstitutionally, for the maintenance of the army in Bengal, I think I should raise a note of protest if he has allotted any sum, however small, in that connection under this head this year. Sir, these are the two main points that I want to raise in connection with this demand—the question of the detenus and the question of allotment of provincial funds towards the maintenance of the army in Bengal. We have not heard much of the detenus this year in this Council, because the Government of Bengal have not brought forward any new legislation on that account. So far as the Press is concerned, in view of the Act we passed last year, there is naturally less information about them in the Press, but, Sir, though the publicity to the grievances of the detenus has ceased to reach us, the grievances remain as before. Hundreds of our countrymen are continuing in detention without trial. Many of them have been in these detention camps for at least five years unheard of and given no opportunity to vindicate their innocence before any court of law without any hope of release in the near future. Sir, we cannot ignore their grievances. We cannot forget their case. We cannot allow the Government of Bengal to sleep over their grievances. Sir, we hope that in connection with the Silver Jubilee celebrations there will be a release—a general amnesty if the Government of Bengal choose to call it so—of these detenus and other political prisoners. But, Sir, in the course of the reply given by the Hon'ble Mr. Reid to-day he has dashed that hope to the ground. He has definitely stated that so far as the Hijili Detention Camp is concerned it is not the intention of Government to release any of the persons at present detained there. But I would like the Government to take note of the public feeling on this point. For the last few days, when it was announced in a Press message that these prisoners would be released, there was a general appreciation of this possible action on the part of Government. But if Government have any respect for public opinion I think they should reconsider their position and see if, most, though not all, of such persons can be released during the Silver

Jubilee celebrations. A few weeks ago, throughout this province and throughout the country, a day was observed in remembrance of these detenus, known as the Detenu Day, when a demand was put forth for the release of detenus or for bringing these prisoners before a properly constituted law court for trial, and I ask the Government not to lose the significance of this demand. They cannot for long withstand this demand. Sir, the demand is insistent that these detention camps, these shrines dedictated to injustice, should be abolished, and it is futile on the part of Government to hug the idea that they are going to crush the spirit of independence in this country by these measures, by continuing these detentions. Sir, I would like to point out further that they will be disillusioned in no time if they think like that. I would like to impress on the Government the possibility that instead of crushing this spirit of independence, their conduct will only help to spread terrorism. They cannot by such repressive measures hope to stop their silent march to this goal.

Mr. NARENDRA KUMAR BASU: In speaking on this motion I want firstly to bring to the notice of the House the figures in the Budget from an accounting point of view. You will find that in this grant—No. 29—Miscellaneous—the most important head is miscellaneous and unforeseen charges, and these charges amounted in 1933-34 to Rs. 12,36,000; for the current year the Budget was Rs. 16,38,000, whereas the revised actuals are about Rs. 14,52,000. In the Budget for the next year, however, it has been increased to Rs. 16,85,000, that is to say, it has been increased by Rs. 2,33,000. Of this Rs. 2,33,000 we have it in the Red Book that the reserve of Rs. 4,000 for unforeseen charges is included there and an increased provision for the cost of persons detained under the Bengal Criminal Law Amendment Act, 1930, mainly accounts for the other increases; that is to say, the Bengal Government in its Budget under this head is making an increased provision of about Rs. 2,00,000 less by Rs. 7,000 or Rs. 8,000 for increased provision for detenus. I want to bring to the notice of the House the fact that we have been told, and repeatedly told, that the situation has improved and that there is not so much of discontent in the country now and that Government has well-nigh crushed by its measures—I won't call them repressive measures at the present moment, but let us say "retributive" measures—the spirit of discontent in the country. Where is the killing of this discontent if for the cost of detenus you have to provide an immense sum of about Rs. 13,00,000? I submit, Sir, it is up even to the Government of Bengal to be consistent. If they say that they are really in the midst of a better situation, if they do not anticipate a recrudescence to a large extent of the operations with which the Bengal Criminal Law Amendment Act deals, then I beg to ask if they have any reason for increasing the provision for detenus rather than decreasing it? As I have already said, Sir, the increase is more than Rs. 4,00,000 from the actuals of 1933-34; that is

to say, the Bengal Government in its Budget for next year anticipates that there will be about Rs. 4,00,000 more money spent to look after the detenus than in 1933-34, when probably, according to them, the situation and the unrest in the country were much worse than it is at the present moment. I would like to have some indication from the Treasury Benches—I do not know which particular member will deal with this, if they deal with this at all—I would like to know what explanation there is for thus blowing hot and cold, and whether they are really expecting a recrudescence of the activities of these men, or are they really satisfied that they have a firm grip on the situation and that lesser and lesser money would be required to deal with the situation?

The Hon'ble Mr. R. N. REID: Sir, the reply I have to give Mr. N. K. Basu is the same argument that I used when I was dealing with the Police Budget and when I was confronted with these same questions, and was asked why, when the situation is apparently better, when the terrorist movement is on the wane, we are still asking for heavy expenditure and increased expenditure. Well, Sir, the position as I have said before is indeed better, but the reason why it is better is, I claim, not because there has been an abandonment of the terrorists' aims and eagerness for anti-Government action, but because they have been weakened and disorganised to a considerable extent by the action of Government. The fact, however, that the terrorists are still ready to take advantage of any opportunity to attack Government once more, the fact that they are still ready to do so, is patent. We have proof of that in the escape—I am repeating what I have said before, but I take it I am justified in doing so—in the escape of those terrorists from the Alipore Central Jail while they were under trial.

Mr. NARENDRA KUMAR BASU: But we are dealing with detenus.

The Hon'ble Mr. R. N. REID: Quite so; but detenus and terrorists under trial are both members of the same revolutionary conspiracy.

Mr. NARENDRA KUMAR BASU: Are they covered by the same grant?

The Hon'ble Mr. R. N. REID: Not at all. My point is to draw attention to the effect the escape of certain terrorist undertrials had on the situation outside. It was immediately followed by new activities in certain terrorist circles. And that is the reason why we have to take the view that the terrorist organisation, though possibly weakened, yet still exists. Therefore, we have to make provision for the future and for further possible action under the Bengal Criminal Law Amendment Act, and that means that you have got to make more provision

for the maintenance of detenus and camps and for village domicile elsewhere. It is necessary as I have said before to make such provision as a matter of insurance and where risks are high the premium is correspondingly heavy. That, Sir, is my explanation of this increased provision. Mr. N. K. Basu found that there was an increase under certain heads in the estimates and that is perfectly true, because provision has been made for a possible increase in the number of detenus brought into the detention camps and village and home domicile. Then Mr. Shanti Shekhareswar Ray in his speech, which sounded very like a speech in favour of terrorism, referred to expenditure on the army. The only expenditure under the head "Miscellaneous"——

Mr. SHANTI SHEKHARESWAR RAY: May I rise on a point of order, Sir, and may I know how he characterised my speech?

Mr. PRESIDENT: So far as I remember he referred to your speech as being in favour of terrorism.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Member entitled to make such remarks, Sir, where I did not at all mean it?

Mr. PRESIDENT: Well that is a matter of opinion. The Hon'ble Member may have taken your speech in that light. You cannot prevent him from expressing his opinion.

The Hon'ble Mr. R. N. REID: The only item of expenditure on the army under this head is a matter of some Rs. 25,000 for miscellaneous expenditure on camps, water connections, etc. The Army Department, as I have said before, has undertaken to meet the whole of the pay of the troops, and the housing of the troops in their permanent cantonments. I do not think, however, I need add anything more to what I have said. I have attempted to explain, Sir, why this expenditure has remained at its high figure, and why we have even had to increase it as a precautionary measure. That, Sir, is my only justification for this demand.

The original motion of the Hon'ble Sir John Woodhead was put and agreed to.

(At this stage the Council was adjourned for 15 minutes.)

(After Adjournment.)

Expenditure in England.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 6,68,000 be granted for expenditure under the head "Loans and advances."

The motion was put and agreed to.

Loans and advances.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 9,51,000 be granted for expenditure under the head "Loans and advances."

MOTION FOR REDUCTION.

Maulvi ABDUL HAKIM: I beg to move that the demand of Rs. 31,000 under the head "Loans and advances by Provincial Governments—Class II—Loans under the Drainage and Embankment Act and the Bengal Agricultural and Sanitary Improvement Act" be reduced by Rs. 100 (erecting an embankment in the temporarily-settled estate Borarchar for protecting *aman* paddy).

Sir, for some years past the flood water of the old Brahmaputra river enters the tract of lowlands situated at the northern and eastern portions of the temporarily-settled estate Borarchar under police-station Kotwali in the district of Mymensingh, as a consequence of which the *aman* paddy to be sown in an area of about five miles in length and about one mile in breadth is damaged every year owing to the current of flood water. The villagers as well as members of the union board have earnestly requested the authorities, through the Collector, to prevent this serious damage by diverting the course of water current by means of an earthen *bund*. If early steps be not taken for the work, many people of this *mahal* will have to starve in the near future in these hard days for want of their staple food crop. They are now quite unable to pay their rents for these lowlands. If they surrender their lands, that would be a loss to Government. The soil of this tract of lowlands is very fertile in nature and produced good crop some years before, but has now become useless only on account of flood current passing through it. There is not the least apprehension of any portion of this tract being washed away by the river, because it is at a considerable distance from the main river. The tract has been in existence for about two centuries. As no silt accumulates on these lowlands now, there is no apprehension of the land being less fertile in future. The Assistant Engineer of Irrigation Department, Dacca, personally went to the locality last year and has recommended the scheme. He has also prepared a site plan and an estimate of cost. As far as I know, the estimate of cost amounts to Rs. 10,000 or so. Last year, having received an intimation that the Hon'ble Member in charge of Irrigation was pleased to sanction money for small schemes of agricultural improvement each covering a cost of Rs. 10,000 or so, at a meeting of the Executive Council held in January last, the Collector of our district forwarded the papers including a resolution of the local union board through the Dacca Branch Irrigation Office.

Sir, the month of January has passed, but the scheme has not been sanctioned. I have been tabling cut motions for sanctioning this important scheme year by year, but to no effect. The schemes of this kind have to be executed in other districts also. If these schemes are taken up thousands of agriculturists may be saved in these days of economic calamity. I say with much regret that whenever we want money for any such scheme for the benefit of thousands and thousands of poor people, Government says that funds are not available, but I am surprised to see that whenever any big landlord wants a loan for his family expenses, Government at once comply with his request.

The Government have thrown thousands and thousands of rupees into the waters of the Lowhajang river merely to satisfy the whims of a certain high official. Government do not hesitate even to make large contributions now and then to railway authorities on demand. Do the Government earmark even a few thousands or a few lakhs of rupees every year for the construction of important embankments or other similar works for the improvement of agriculture in these days when the cultivators are starving?

Sir, I can show other instances of such misuse of money, but I do not like to displease members of the Treasury Bench at this fag end of this session. Sir, in these hard days the agricultural people are starving and are quite unable to pay contribution towards the execution of any such scheme. I, therefore, appeal with all earnestness to the Hon'ble Member in charge to take pity upon the helpless condition of the poor agriculturists and to take early steps for executing this scheme as well as other schemes in the province.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not understand how the Hon'ble Member has moved this cut under this head. Government have never refused any proposal for a loan under the Agricultural and Sanitary Improvement Act. If the local people are prepared to pay under Act VI of the Agricultural and Sanitary Improvement Act, Government is always prepared to finance the scheme by means of loan——

Mr. P. BANERJI: They refused in one case in the 24-Parganas.

The Hon'ble Khwaja Sir NAZIMUDDIN: The facts in that case must be different. As far as this case is concerned, local people are not prepared to contribute anything and Government will have to contribute the whole amount. So far as the point mentioned by the hon'ble member regarding small schemes, the member only thought of the scheme when the Irrigation Department sent out a circular asking for small schemes of irrigation and drainage which will not

exceed Rs. 10,000. Sir, only after receiving this circular the member woke up with the idea of putting forward this scheme. It was submitted very late and no provision could be made in the Budget.

These are, Sir, schemes that can be taken up when the Development Bill is passed. So I would suggest that the hon'ble member withdraw the motion and wait for the passing of the Development Bill and also would advise the member to approach the Revenue Department, because from what he has told me it appears that the land is entirely *khas mahal* and they may be able to get up a scheme, and there may be some local contribution and some financial assistance from the *khas mahal* grant for protection of the *khas mahal* lands, because from what he has told me it will mean improvement of the conditions of the tenants, so this will enable them to pay their rents more regularly. Therefore, in view of these two suggestions, I hope the mover will be good enough to withdraw the motion.

Maulvi Abdul Hakim's motion was then, by leave of the House, withdrawn.

The original motion of the Hon'ble Sir John Woodhead was then put and agreed to.

Supplementary Demand for Grant.

32—Medical—Grants for medical purposes—Grants-in-aid, contributions and donations, etc.—Transferred.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that a sum of Rs. 24,000 be granted for expenditure during 1934-35 under the head "32—Medical Grants for medical purposes—Grants-in-aid, contributions and donations, etc.—Transferred" for additional help to the Calcutta Hospital Nurses Institution.

Sir, the Calcutta Hospital Nurses Institution undertakes to supply nurses to the Calcutta Medical College Hospitals and the Presidency General Hospital in return for a grant of a lakh of rupees from Government. But this Institution spends nearly Rs. 4 lakhs on the training of nurses. The balance of its resources generally comes from the contributions paid by the business people in Calcutta. On account, however, of the general economic depression, there is a heavy fall in their subscriptions and that has resulted in a heavy deficit in the finances of the Institution. So they require a supplementary grant of Rs. 53,000 to carry on the work for the current year. Of this amount Rs. 29,000 have been met by reappropriation and this supplementary demand is for the balance Rs. 24,000. With these few words I commend my motion to the acceptance of the House.

Mr. C. C. COOPER: Mr. President, Sir, you may erect very fine buildings at great cost. You may splendidly equip them with the last word in hospital equipment at even greater cost. You may employ the finest doctors in the world to work in these wonderfully equipped buildings, but the buildings, the equipment and the doctors are as nothing by themselves, being all dependent on efficient nurses. Nursing means self-sacrifice, hard work and devotion to duty, which is the life force of any hospital.

I therefore welcome this opportunity of endeavouring to clear up a great deal of misapprehension which undoubtedly does exist concerning the work of the Calcutta Hospital Nurses' Institution, which work has continued over a period exceeding 75 years. A word in regard to nursing generally—

Doctors depend on nurses for their successful cases, especially in heavy surgical cases and in heavy medical cases. In Enteric, Pneumonia, and such illness and in heavy Surgical Cases the doctors hold a watching brief, but the patients largely depend on the nursing they receive whether they die or live. In Calcutta, with the exception of the Presidency General Hospital and Lady Dufferin, the majority of patients have to fend for themselves, receiving no nursing worthy of the name of nursing, which entails a great deal of unnecessary pain and suffering to patients whose recovery is unduly prolonged. Arising out of this fact, another important fact which must not be overlooked, is that the lack of nursing means unduly long occupation of beds. With adequate nursing, beds would be more quickly vacated, and the lack of hospital accommodation would not be so seriously felt as at present.

The following figures speak for themselves in showing the very unsatisfactory state of affairs which exists as regards nursing in the Medical College Hospitals.

In 1934 the average number of beds occupied daily was 691, and during this period no less than 18,695 patients passed through the hospital.

The generally accepted ratio in England is 2 beds per nurse, but the figures at the Medical College Hospitals give a ratio of approximately 9 beds per nurse on day shift, and 33 beds per nurse on night shift. Actually, however, in practical working the ratio of beds to nurses is probably much higher, which figures make it clear that the Medical College Group of Hospitals, excluding possibly the Eden, is definitely understaffed.

I often marvel to myself that we keep nurses under such conditions as prevail at the Medical College Hospitals, as the work is very hard, and occasionally nurses break down in health due to the severe strain and tax on their resources.

The standard of nursing leaves much to be desired as for want of adequate staff, everyone is overworked, and the nurses in training cannot be properly taught, owing to the paucity of trained staff to supervise their work. Apart from the hard work in the wards, the nurses have a certain amount of Theoretical Training and Lectures to attend. The curriculum drawn up is exactly on the same standard as that of an English hospital, and it is very necessary to have someone efficient for teaching the nurses and deputising for the Lady Superintendent.

At the moment the Sister Tutor is on 7 months' leave and the Lady Superintendent is left without anyone to act for her or to give the nurses lectures. This naturally is an added worry and means much more work for the Lady Superintendent.

I would like to stress the importance that another Senior Nursing Sister is very necessary, as a large institution like the Medical College Hospitals should not be without a lecturer for the nurses and some one to deputize for the Lady Superintendent whenever the occasion arises.

My Committee would be only too willing and glad to be able to remedy this unhappy state of affairs, but lack of funds and lack of suitable recruits seriously curtails our activities.

Government must face the question whether some part of the monies they spend out of educational grants for the training of medical students ought not to be devoted to nursing, as an essential part of a student's training, as I fail to understand how any student can be properly trained as a doctor when he has had no practical experience of nursing as it should be done to an efficient standard.

More money will have to be spent on nursing in the Medical College Hospitals if the Senior Medical Training School of Bengal is to become an efficient institution, as no student can obtain qualifications likely to be recognised in any civilised country if his training does not include work in a hospital properly staffed with nurses.

During the years 1927 to 1932 the Corporation of Calcutta gave the institution an average donation of Rs. 19,700 per year. They have ceased to pay us any donation since 1st April, 1932, as they appear to have adopted the idea that the institution exists merely to provide "remunerative" employment for European and Anglo-Indian young women—a suggestion which is as false as it is misconceived.

The Calcutta Hospital Nurses' Institution would gladly employ Indian girls as nurses if we could obtain girls of the right stamp and class, but such girls do not offer themselves for recruitment.

The great majority of Indian nurses are at present drawn from Indian Christians trained in Mission schools, and Indian widows who take up nursing as a profession.

Unfortunately, Indian girls of a good class feel themselves degraded by having to adopt what should be the honourable profession of nursing, and there is no shadow of doubt that if she becomes a nurse she is degraded in the eyes of her "*Bhailog*," so that I am afraid it will be many years before Indian girls of a good class are available for nurses. There is not the honourable tradition attached to the nursing profession in India as exists in European countries. Until the stigma attaching to the name of nursing in India is removed, there can never be an efficient educated capable Indian female nursing service.

In 1929 the Corporation of Calcutta offered to pay for the training of 12 Indian girls as nurses. We endeavoured to obtain the 12 Indian girls, but only succeeded in recruiting 8 girls. Of these girls, 2 girls left within 8 months. Of the remaining six, 4 have completed their training and left, and 2 only remain.

In 1932 the Corporation of Calcutta stopped paying us the grant for the training of these nurses, and during 1933 the institution spent out of its own funds Rs. 4,211 on the training of 6 Indian girls, and in 1934 spent Rs. 2,320 on the training of 2 Indian girls.

The Calcutta Hospital Nurses' Institution provides the whole of the nursing staff in the Presidency General Hospital, Medical College Hospitals, Eden Hospital, Eye Hospital and Tropical School of Medicine.

(At this stage the time allotted for the discussion of this head was reached.)

The Hon'ble Sir Bijoy Prasad Singh Roy's motion was then put and agreed to.

45—Superannuation allowances and pensions and 60B—Payment of commuted value of pensions.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 56,000 be granted for expenditure under the head "45—Superannuation allowances and pensions" during the financial year 1934-35.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 1st April, 1935, at the Council House, Calcutta.

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Observations by—

A member is in order to develop his arguments on the basis of certain bye-laws of the Corporation and to ask the Hon'ble Minister to put an end to any illegality or to amend the Act in order to meet a particular serious situation, which is not covered by the existing Act or if the Corporation are misusing the powers and that he failed to obtain redress there and to request the Hon'ble Minister to interfere under the general powers vested in the Local Government under the Calcutta Municipal Act : pp. 637-638.

A member must confine his remarks to the motion before the House : p. 171.

In a proposal for reduction in demands for grants it is incumbent on the member to tell the House why and how the reduction should be effected : p. 492.

In dealing with grievances relating to an autonomous body they should be ventilated there first, before seeking to obtain redress here : p. 635.

One should not be interrupted in his speech, unless he is not misrepresenting and the debate cannot be allowed to degenerate into an angry conversation : p. 303.

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To take a resolution out of its turn at least 50 members have to agree to do so : p. 36.

Withdrawal of a resolution must be unconditional and without a speech p. 179.

With reference to the answers given by the Government, the members are not permissible to argue or make a speech : p. 21.

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Of Major R. C. Curtis under the Bengal Motor Vehicles Tax Rules : (Q.) pp 155-157.

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